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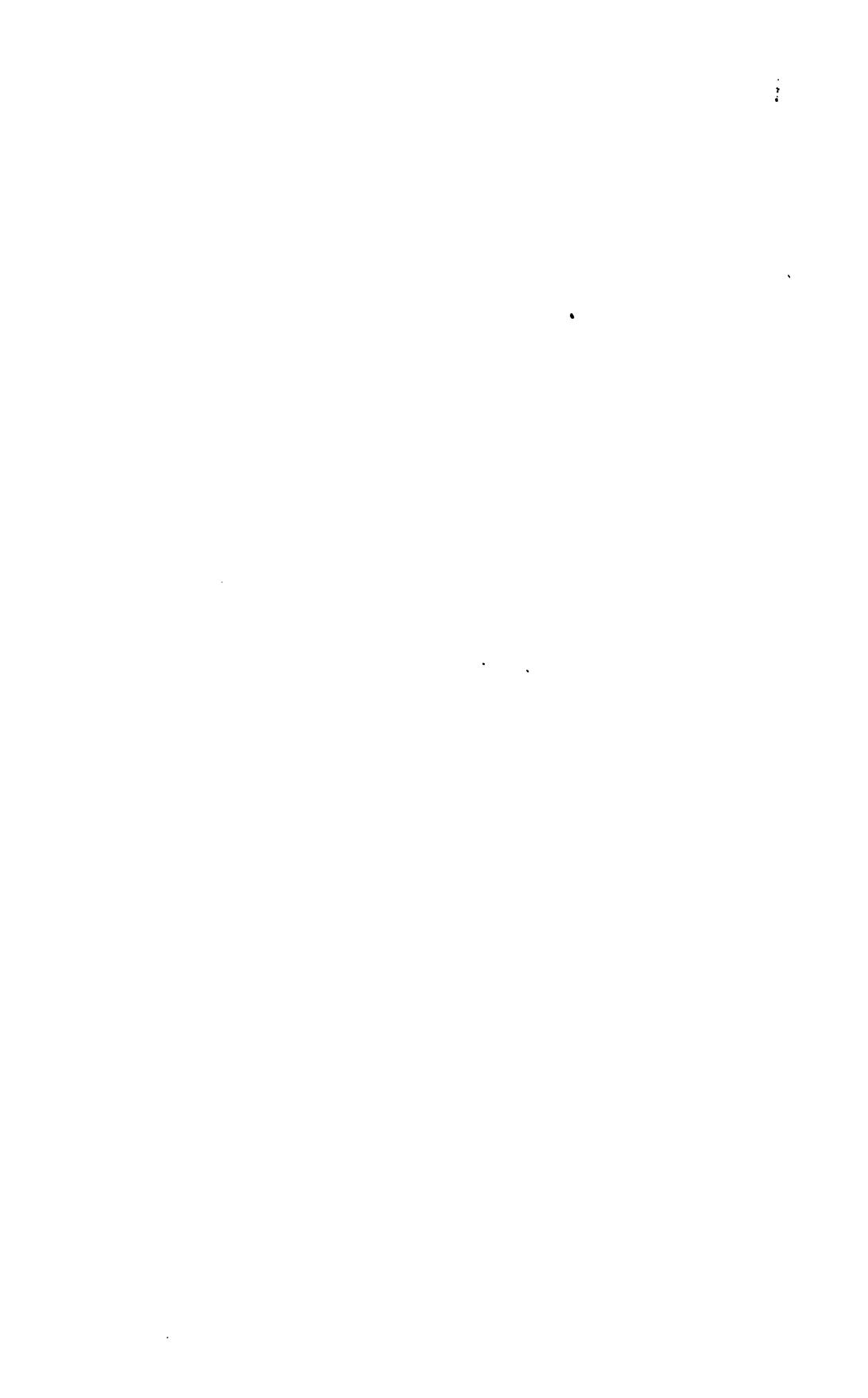
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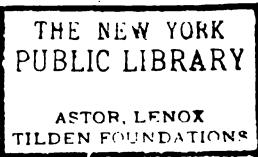














WILLIAM H. WALLACE.

SPEECHES AND WRITINGS

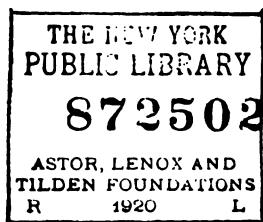
of

WM. H. WALLACE

With Autobiography

KANSAS CITY, MISSOURI
THE WESTERN BAPTIST PUBLISHING CO.

1914



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WM. H. WALLACE
JUNE, 1914

To the memory of my father, Rev. J. W. Wallace, whose brave and lofty example has ever been before me, reminding me more powerfully than could be done by words, that the battle for right is eternal and progressive and that duty calls me to do my part however arduous or humble; enjoining forgiveness, fortitude and determination; cheering me when I have achieved success if I deserved it; telling me when defeated in a righteous cause that truth cannot be put to death and admonishing me in such an hour never to cower or surrender, this book is affectionately dedicated.

INTRODUCTION.

The time has passed when Christian character was thought to be a "negligible quantity" in public affairs. Presidents, congressmen, governors, judges and prosecuting attorneys, many of them—and probably a majority—now are humble, devout and consistent followers of "the lowly Nazarene." Likewise the day of the wiley, dishonest, dissipated, drinking and depraved politician is passing—his hour has struck and his sun is setting.

Before the dauntless St. Louis attorney had set out on his splendid career and established his unsurpassed record of prosecuting municipal criminals and bringing boodlers and grafters in high as well as low places to justice; yea, before a Folk was heard of or a Bryan, or even a Wilson was known, a young attorney in Jackson County, Missouri, the son of a sturdy old Presbyterian minister, had already started on a career that, for daring and the successful prosecution of criminals, and, moreover, for exalted ideals of civic righteousness, probably is unsurpassed in the history of this country.

When, at the close of the Civil War, Missouri was threatened with disgrace and disrepute by a notorious band of bandits, whose very name—"The James Boys"—sent a chill to the heart of a terrorized community, of whom many people said, "They are justified on principles of revenge and retaliation," or "It will cost you your life to raise your voice or hand against their nefarious operations," this young attorney, at the close of a campaign in which he had openly and fearlessly attacked them, promising if he were elected to prosecute them to the full extent of the law, was made prosecuting attorney in Jackson County; and, true to his promise, before his term of office had expired he had led in a fight in which the band known as the Missouri outlaws was destroyed.

Then Kansas City contained about 100,000 inhabitants; but Kansas City grew and this young attorney grew with it; and when he took the oath of office and entered upon the duties of criminal judge in this great wicked city, he proceeded on the theory that laws—plain, unequivocal statutes—enacted and promulgated by the properly constituted legislative authority of the Commonwealth,

should be faithfully executed and administered by an honest judge on the bench—and he did that very thing.

I have resided in Kansas City twenty-nine years and in the community thirty-seven years, and it is my opinion that at no time, nor during all the time I have lived in this State, has there been a period when law-breakers have been so worried and badly beaten as they were during the occupancy of the criminal bench by Judge Wm. H. Wallace. In my judgment the city will never cease to benefit from the effect of his firm, courageous and aggressive stand for the punctilious administration of criminal laws in Kansas City. He demonstrated beyond a doubt that the law can be enforced, if only the public officials in whose keeping it is entrusted, are endowed with honest purpose and the courage of their convictions. Thousands of people who had hitherto been forced to work on Sunday just the same as on other days, were given an opportunity to taste the sweet privilege of one day of rest, and even saloon-keepers and Sunday theater actors were made to appreciate the wise provision of Almighty God for one day of rest in seven.

Judge Wallace has had an active—even strenuous—career from the day he entered his chosen profession to the present time, and it is as advocate at the bar to which the major portion of his life-effort has been given, and in which he has met the most phenomenal, if not unprecedented, success. It is probably for this that his name will be remembered longest, especially among his brother lawyers. His more than a third-century of practice in all the courts, from the lowest to the highest of the State, has necessarily placed him in the thick of most of the big legal battles of his time; and, remarkable to say, he has the enviable record of scarcely ever having lost a case before a jury.

For the last several years, however, he has devoted a very large part of his time and considerable of his means to the promotion of the temperance cause in Missouri and various other public and civic enterprises—a labor of love. No man makes a cleaner, fairer, or, withal, a stronger fight for whatever cause he is engaged in. But while he has been eminently successful as an attorney and has gained nation-wide renown as a jurist, nothing has served to distinguish him as a man among men so much as the exemplification in his life of the lofty ideals toward which in all his relations he has ever striven, and the exalted standard he has always borne for his profession. This ideal and this standard are realized and seen only in Jesus Christ. They were doubtless

imparted to Judge Wallace by his sturdy Scotch ancestors and inculcated by his old preacher-father. Although a man of rare natural endowments and extraordinary personal attainments, he is at all times unassuming and unaffected. Some years ago one of our leading educational institutions conferred on him the degree of LL. D., but which, with becoming humility and modesty, he has never affixed to his name.

Judge Wallace is rendering future generations, as well as the present, a real service, in giving to the public in permanent form this volume of "Speeches and Writings." His addresses on the Sabbath and the Saloon are masterpieces, and are both classics in their line. They could consistently be used as text-books on the respective subjects. They are fundamental. His elegant diction, his chaste and bewitching English, his evident sincerity and forceful expression are as delightful and refreshing as his logic is convincing. Besides those mentioned above, this volume contains discussions of various subjects, all of the very highest order and excellence. His "Grand Old Missouri" will make the blood tingle with pride in the veins of Missouri's adopted heirs as well as of her native sons, and will be a favorite and prize declamation piece for her youthful prospective orators of generations yet to come; his "Apostrophe to the Home" will set aglow anew the fire of love in the breast of every one who reveres and cherishes the place and scenes and forms of his childhood days; his tributes to the most illustrious hero of "A Lost Cause" and one of our beloved martyred presidents will enliven the patriotic emotions in many a heart; his masterful plea for the vindication of justice and the authority of the law in the famous Frank James trial will be a source of admiration and inspiration for many a young lawyer; his lecture on "Jesus of Nazareth as a Man" is one among the greatest sermons since Jesus delivered His Sermon on the Mount, and is sufficient in itself to point a lost world to the Savior of men; his "Argument Against the Trust" is an able, forceful and fearless discussion of one of the most serious and perplexing problems that confront the statesmen of our day. Other subjects discussed and the author's autobiography are in such style and of such matter as to prove both interesting and instructive to all who read them.

The writer's acquaintance with Judge Wallace began thirty-seven years ago when the then young lawyer appeared in the role of Sunday school advocate, on a great interdenominational Sunday school occasion, and from that day to this he has found Judge Wallace on the side of God and right, alike under calm and stormy

skies. He is now in the prime of mature life, and he and his writings are assets of the forces of righteousness.

He may be regarded as the pioneer in the recent uprising of the American people for honesty and civic righteousness in public affairs. No age has witnessed a revolution so profound as the revolution which is already under way, and which will increase with the years, against corruption in civic matters. The need of the hour is, as it has ever been, men who cannot be intimidated, on the one hand, by the threats of violence to their persons or injury to their political prospects; or influenced, on the other, by bribes of the mammon of this world, in the honest and fearless discharge of their political duties. Such a man is he who presents to the public this volume of his Speeches and Writings.

And Judge Wallace is as clean in his private life as he has been brave and circumspect in his public and official career. If he had not been, the inveterate hatred of wiley, shrewd and unscrupulous men whom he has arraigned before the bar of justice would have long since destroyed him. But "Will Wallace," as he is familiarly called by his neighbors and friends, has led a life of such honest, clean Christian integrity before the people of his State, and especially those of Jackson County, that if a good man should impeach his moral character the people who know Judge Wallace would say, "Well, the man is simply mistaken." Lawless men have sought to have it appear that Judge Wallace was an extremist, not "liberal" enough—"going too far"—as they usually put it. But this charge has been preferred against every man who has stood fearlessly for the right since the world began. It is true, he has stood for the law just as he found it, without fear and without favor. But it is also true that he left the criminal bench, the most difficult of all places to avoid giving offense, without a solitary enemy among the scores of lawyers who practiced in his court. It is still a matter of common remark among them that no fairer man ever occupied a judicial position. And they say that no judge ever showed more mercy toward the unfortunate, the friendless and the moneyless. When he left the bench he had a larger "class," as he called it, of paroled young men than had been known in any court in Missouri. There were sixty-five. He required them to report every term of court; examined each of them separately as to how he was getting along; admonished and advised them, and in nearly every instance caused them to lead a new life. I can say, too, from my long acquaintance with him, that there is no more companionable, warm

hearted man than Judge Wallace. He loves his country, loves his fellowmen, loves his family. He loves a good story, too, and it is said that no man can excel him in telling one in conversation or on the stump. Judge Wallace was the pioneer in the brave fight for righteousness in civic affairs, and so became the target for the corrupt sharp-shooters of corrupt politics ere they were weakened by the loss of a thousand battles.

I am honored in the privilege I have to speak this word in the forefront of the able addresses of my Christian, scholarly friend, and I bespeak for them a wide and merited reading.

S. M. BROWN.

Kansas City, Mo.

PREFACE.

I have read some, but I know little about publications beyond a printed brief for an Appellate Court. I have made, such as they have been, a great many addresses, at the Bar, on the hustings, at College Commencements and some on the lecture platform. For more than twenty years I have received many requests through the mail and otherwise that I publish some of my speeches in book form. About a year ago I concluded that if I could find time I would do so. Knowing, however, the tendency of an average man like myself to place too high an estimate upon his own productions, I did not come to this conclusion without consulting friends in whose judgment and candor I have confidence. These friends have advised me to proceed with the publication. They have been good enough to say that they believed that my book would be kindly received by those who care to read. They have also said that they thought some of my speeches would materially aid the great moral and economic causes for which along with some of our best citizens, I have been permitted to stand and they thought that other of my speeches were made in connection with such stirring events that they would be interesting reading.

One of the principal difficulties I have had was in collecting and arranging the addresses. Not expecting to publish them, I have taken little pains in preserving them in an orderly way, and I have found them scattered in a mass of papers which has accumulated in my law practice. Then, too, I have not always found them in proper shape for the printer. With the exception of one speech which is lost I have never written a speech before its delivery, since I left college. They have either been taken by a stenographer, or, upon request, written out by me immediately after being delivered, when I can reduce them to writing practically word for word. I frankly confess, however, that all speeches made on important occasions—which comprise all published in this book—have cost me intense labor. In their preparation I have made industrious research and then often thought out the exact sentences, often the exact words and metaphors and lodged them in my mind for delivery. This is a task far more strenuous than that of reducing to manuscript and then memorizing. In a word, I candidly admit that the addresses published herewith represent intense and painstaking labor. Whatever others may do, I make no claim to extemporaneous genius.

Doubtful as to their merits and with irrepressible apprehension as to the outcome, I submit this book of my speeches and writings and the autobiography giving the facts of my life, to the kindly consideration of the public.

WM. H. WALLACE.

Kansas City, Mo.

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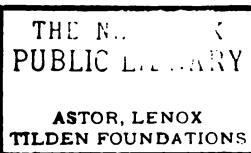
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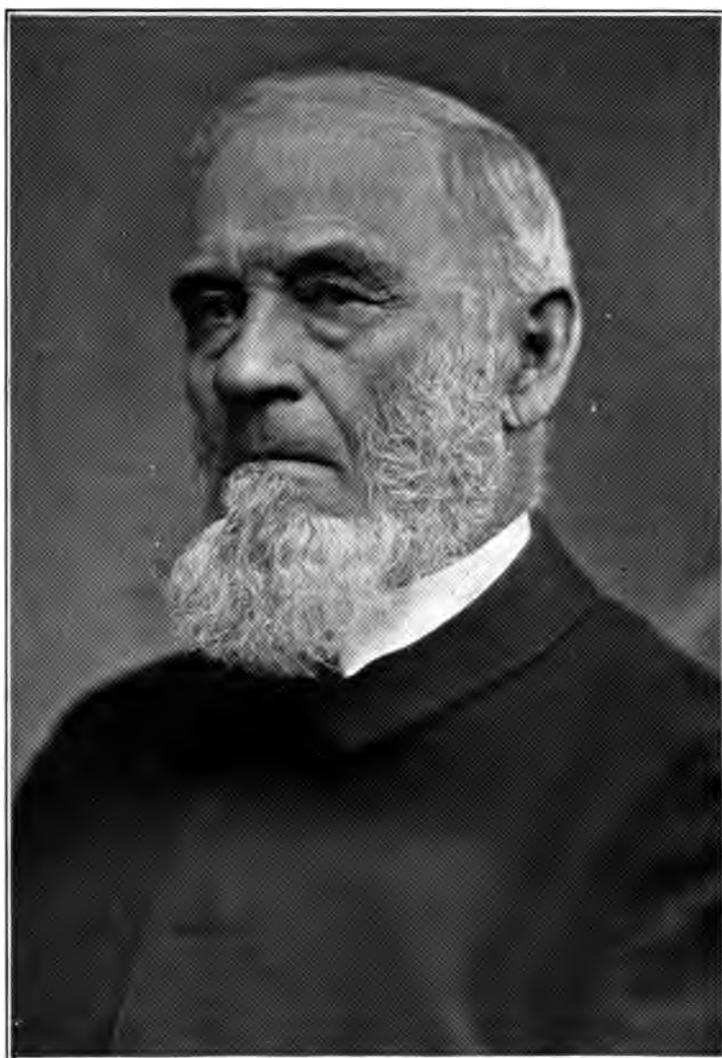
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REV. J. W. WALLACE.

TRIBUTE TO HIS FATHER.

(Written about four years after the death of his father, Rev. Joseph William Wallace.)

JHAVE carried with me through life—and I could not rid myself of it if I would—the image of a man who told the simple story of the Cross for sixty-one years. He is my ideal—an ideal I shall never reach.

This man was graduated regularly from Center College, Kentucky, and from the Theological Seminary at Princeton, New Jersey. He was connected for many years with the Southern General Assembly of the Presbyterian Church, and was regarded as one of its ablest theologians. But the triumph of worldly fame had no music for him. He reached the height of his ambition, which was to lead a quiet, useful life on a farm, to bring to manhood there his five sons, to work in his fields during the week and preach the Gospel on Sunday. He preached to the congregation of one community nearly fifty years, and a neat church edifice now bears his name in Eastern Jackson County. He never missed an appointment. Neither heat nor cold, nor rain nor snow, nor storm nor blizzard ever detained him. For many years during the latter part of his life he lived twenty-five miles from his church, and even after he was far beyond his three score and ten he would mount his horse and make his appointment, with the thermometer below zero. Of almost giant frame he was as tender as a woman. He wept with the sick, the distressed and the suffering, and I have seen the big tears roll down his cheeks while listening to the preaching of others. Modest and unobtrusive, he had his convictions and did not hesitate to express them. Though not assuming to claim kinship with him, he possessed a goodly measure of the intrepid courage of that Scottish chief whose name he humbly bore. Much of his life was full of hardship and peril. He passed through the horrors of the border warfare in Western Missouri, and was mistreated until it often appeared that death was immediately impending, but if he was ever frightened, neither friend nor foe detected the least evidence of it. He was never engaged in a quarrel. When reviled he reviled not again.

He was a man of prayer. Twice every day day for sixty-one years he went down upon his knees at the family altar—as I have it, in round numbers, forty-four thousand five hundred and thiry times, to say nothing of the prayers of his youth, in his church services and elsewhere. Often after he had wrought all day in his field it was an effort for him to keep tired nature awake while he prayed at eventide, but he never missed, and the next morning, refreshed, his voice ascended to his Maker with the voice of the birds. His prayers abounded with beautiful pass-ages of Scripture aptly put together. Like chimes of silver bells, they will ring in my soul forever. There never lived a tenderer husband, a kinder father, a truer friend. It is doubtful if his home was without a guest in fifty years. It was not only the welcome abode of his friends, but also of the neglected and the unfortunate. Without self-seeking, he gave his life to others. Senator Vest, when at the zenith of his fame, once said to me that he had known this man long and well, and had thought many times that he would give all he possessed to change places with him in life. He said he had rather have this man's godly character and quiet contentment than all the glamor and glory the world could give.

This man was the humblest man I ever knew. Though a ripe scholar, when a college conferred upon him the degree of Doctor of Divinity he declined it. When he came to the end at four score years and three he calmly wrote out the order of exercises for his funeral, selecting among others the old hymn beginning:

“Show pity, Lord; oh Lord, forgive,
Let a repenting rebel live.
Are not thy mercies large and free?
May not a sinner trust in thee?”

This humble, stalwart, scholarly, godly man was my father.

APOSTROPHE TO THE HOME.

(From campaign speech against the Single Tax in 1912.)

SACRED, time-honored, divinely-appointed home. The dwelling place of the family, God's greatest institution among men. The sweet retreat where two lives are lived as one. Where eyes meet eyes that speak, and hearts meet hearts that thrill again. Where immortal souls first behold the blaze of day and, anon, childhood's merry laughter makes music sweeter than songs of birds in Paradise. Where father, mother, sister, brother divide their joys and loves, and the fires go not out upon family altars, whereon Jehovah was worshipped before the Church was born.

Legalized, enduring, permanent home! Owned not "by the State to be rented to the highest bidder," as this modern doctrine of the Single Taxers would have it, but owned by the individual, in fee as homes have been owned in every civilized nation since time began; owned as the old prophet possessed the abode to which the Syrian leper came; as Cincinnatus owned the field in which he plowed when the Romans called him to save again his country from the advancing foe; as Jefferson owned Monticello, where Americans come to pay their vows; as Washington possessed Mt. Vernon, where soldiers repair to fire afresh their valor; as the Greeks all down the centuries have owned their abodes beside the silvery lakes, or the Swiss, their cottages on the Alpine heights; as men have owned their homes in the valleys, on the hilltops and by the rivers in every clime beneath the stars; as Mary and Martha and Lazarus possessed their humble but permanent abode at Bethany, where the Son of God was always so welcome; as that abiding place was possessed described by Jesus in that most marvelous of all His parables, and to which the prodigal son returned after years of wandering, and his father ran to meet him; as that abode was owned which the Savior had in mind, when, hanging on the cross, He looked down and saw His mother and that disciple whom He loved standing by, and said to his mother: "Woman behold thy son!" and then to the disciple, "Behold thy mother!" "And from that hour that disciple took her to his own *home*."

Beauteous, happy, enchanting home! Where business din and strife and hurly-burly must not come. Where Eos, goddess of the morn, drives her horses by at break of day, strewing flowers as she goes, when the stars have gone out, the whip-poor-will has hushed, the sunbeams are dancing in the skies and the lark is singing in the meadow. Where the yellow light is streaming through the great elms and oaks and walnuts. Where the apple, the peach, and the pear hang in luscious beauty side by side, the dew is on the watermelon, and the aroma is coming from the pomegranate. Where, ere long, the sun in his fiery chariot is about to cross the horizon; father calls; prayers are over; breakfast is eaten, and the boys go whistling to the field; the bobwhite answers; the blackbirds follow in the furrow. Where the old white dwelling with its green window shutters nestles down 'midst the evergreens, the lilacs and the roses, while the ivy climbs up its sides, and the humming bird flutters in the honeysuckles. Where within is the clean swept floor, the bounteous table and the arched fireplace. Where rosy-cheeked childhood is sleeping in the cradle, venerable age sits in the old armed chair, and "God bless our home" hangs over the mantle.

Quiet, peaceful, restful home! The day is done. The summer clouds are clustered in the west, and the sun has just lain him down in his golden couch. The cows come lowing homeward over the hill. Father and the boys have returned from the field. They drink from the gourd at the spring or the oaken bucket that hangs in the well. The evening meal is such as only mother can prepare. Night has come. The pale moon rises slowly and hangs silent in the sky. All nature is locked in the holy hush. Naught is heard save the notes of the nightingale or now and then the jingle of the sheep bell in the fold. It is autumn. The chill of night is on, and the family is assembled about the open fire with its dancing flames. Brightness is in every eye. Cheer is in every breast. Love is in every heart. Seriousness takes its turn with merry laughter. Ere long Morpheus calls to sleep. A chapter is read from the well-worn Bible. Hark! they are singing: the eldest daughter is leading—

"Mid pleasures and palaces although we may roam,
Be it ever so humble there's no place like home.
A charm from the skies seems to hallow us there,
Which seek through the world is ne'er met with elsewhere.
Home! Home! Sweet, Sweet Home!
There's no place like Home! There's no place like Home!"

Hush! they are on their knees in prayer. Silver-haired grandfather is leading: "O thou God of Abraham, Isaac and Jacob! Thou God of the family! We thank thee for this home, sweet reminder of our Eternal Home beyond the skies. In the strength of young manhood and under Thy protecting Providence, I carved it out of the wilderness. With my hands I built the house in which we kneel. Thou knowest that my companion who now sleeps in the churchyard, did her part, and sanctified it with her pure and lofty life. May this home long remain the inheritance of our children and our children's children. If any go out as thy servant who now speaks to Thee did, not knowing whither they go, may Thy hand lead them and bring them to a Christian home. And in the morning of the resurrection, through the atoning blood of Jesus Christ, Thy divine Son, may we all without loss of one be reunited as a family in our Home on High—there, ever and anon, to join in the hallelujahs of Angels and of those "who have washed their robes and made them white in the blood of the Lamb." Amen.

Precious, hallowed, consecrated home! Blessed be the God who ordained it. And all the curses which the bard had Eve to shower upon Cain when he slew his brother, Abel, rest upon the head of him who would destroy it.

“GRAND OLD MISSOURI.”

The appellation, “Grand Old Missouri,” now so often used, is said to have been originated by Mr. Wallace in his apostrophe to Missouri in his published campaign speech in 1892.

GRAND, beautiful, magnificent Missouri! Where rolling prairies, fertile valleys, mighty forests, placid lakes, majestic rivers, enchant the eye and woo the heart; where flowers of every hue and clime freshen in the evening dew till the green ivy of the North and the fragrant magnolia of the South meet each other in a common home, and rebuking sectional hate, entwine their arms in tenderest love; where birds of every note, and plumage wend their merry flight, from the humming bird that flutters in the honeysuckle to the eagle that builds his eyrie in the craggy cliff, while the nightingale, the bobolink and the mocking bird wake the forests with ringing melodies sweet as those that rose in paradise; where the perch, the croppie and the bass leap in the sunbeams and the hunter’s horn rouses the fleet-footed fox and the bounding deer.

Fertile, bounteous, exhaustless Missouri! Where yellow harvests are locked in the golden sunshine rich as those that ripened in the land of Nile; where corn and cotton flourish in a common soil, and the apple and peach grow in luscious beauty side by side; where exhaustless beds of coal, lead and zinc lie sleeping in the earth and mountains of iron await the blazing forge.

Enterprising, majestic, imperial Missouri! Where more than half a million souls have swelled our numbers during the past decade; where the lights of a genuine Christian civilization, like vestal virgins, hold their vigils unerring and undying as the silvery stars, and where under the soft and hallowed flame Progress, like the Hebrew giant, bursting the withes monopoly is ever tying about his limbs, is leaping forward in the great race for material wealth and glory with bounding strides, unsurpassed in all the sisterhood of States.

Educated, intelligent, God-fearing Missouri! Where school

houses so thickly dot the hills and plains that voice meets voice of merry children romping on the lea till one vast chorus mounts the skies; where from every city, village, hamlet the graceful spire and the church-going bell call the way to heaven; where thousands of Christian homes cluster by the rivers and on the hilltops with the open fire and the dancing flames, with the old arm-chair and the well-worn Bible—cherished scenes, where first we learned to lisp the name of father, mother, sister, brother. Sacred, tender, hallowed old Missouri soil! Beloved land of mingled joy and grief! Where all the flowers of youth have bloomed and grown and childhood's merry laughter in gleeful echoes lingers still to cheer and thrill the drooping heart. Where many a hope has perished in an hour and many a falling tear has found a grave; where our mothers first taught us to kneel in prayer, and where under the willows and by the brooks the forms of loved ones gone before us, await our coming to slumber by them till the resurrection morn. Beauteous, glorious, consecrated old Missouri soil! Let others defame thee as they will—thank heaven, in life, in death, you are good enough for me.

WOODROW WILSON.

PROGRESSIVE PATRIOTISM.

(From speech delivered at Columbia, Mo., February 6, 1912.)

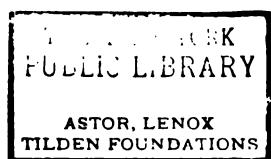
Note: Several months prior to the Baltimore Convention Mr. Wallace stumped Missouri for Woodrow Wilson for the Democratic nomination for the Presidency, of course, asserting his loyalty to his State and expressly stating that he wished to interfere in no way with the preference which should be given to her favorite son, whether it should be Hon. Champ Clark or Hon. Joseph W. Folk. The speech delivered at Columbia follows:

Ladies and Fellow Citizens:

AGOOD many of the friends and agents of what are known as "The Interests" are now going up and down our Republic saying of Woodrow Wilson: "He is merely a school master—he is simply a teacher." My friends, the greatest names in history are those of teachers. The soldier armed and epauletted and spurred and seated upon his foaming steed, splashed to the waist with human gore, has ever been worshiped by the brutal and the ignorant. But the humane and the intelligent have always regarded the teacher, whether in learning, government or theology, as the true benefactor of his race and entitled to the first place in the admiration and affections of mankind. The name of Socrates, the great teacher of Greece, and the first martyr to intellectual liberty, is now mentioned a dozen times where that of his countryman, Alexander the Great, is mentioned once. Moses, the illustrious teacher of antiquity—Moses, descending from Sinai with the Decalogue under his arms—will be loved and remembered when Julius Cæsar is forgotten, or if remembered, will be remembered only to be hated for the innocent blood he shed. Not until 1921, if on the spur of the moment I recall history correctly, will a single century have passed since Napoleon breathed his last at St. Helena. This is but a short period in the vast stretch of time, and the tramp of his armies and the din of his battles are still resounding in the ears of men. But the eloquence of Paul, the learned teacher sent to the Gentiles, will go



PRESIDENT WOODROW WILSON.



reverberating down the centuries long after the loud-mouthed cannon of Napoleon shall have been hushed forever. The name of Abraham Lincoln, the plain, unassuming teacher of the doctrine of peace and brotherly love, is now mentioned a hundred times where that of General Grant, the conquering hero of the greatest war of modern times, is mentioned once. In the firmament of history, as the ages roll away, the bloody orbs of military heroes are paling year by year, while the stars of the great teachers of earth are shining more and more unto the perfect day.

I stand here tonight to espouse the cause of one of the most illustrious teachers of the twentieth century, Woodrow Wilson. With your kind indulgence I ask to state now specifically my reasons for advocating his fitness for the presidency and for indulging the hope that should Missouri's favorite son, whoever he may be, go down in the convention at Baltimore, our thirty-six votes will be cast for the governor of New Jersey—formerly the president of Princeton University.

To begin with, I advocate the fitness of Woodrow Wilson for the presidency of the Republic because he is a man of vast learning. I am fully aware that a large number of millionaires, a good many great corporation lawyers and hundreds of representatives of "The Interests" are now descanting upon the impracticability of learning and its want of adaptability to practical business methods. They are prating loud and long about the scholastic vagaries and populistic visions of the schoolmaster from Princeton. Governor Wilson is replying to these men not only with the unanswerable logic of a great teacher but also with his courageous, practical record as the governor of New Jersey. It is evident, however, that his apt replies and dauntless, practical reasoning are having but little effect upon these lofty plutocratic aristocrats. It requires dollars, not reason, to satisfy the ravenous maw of human greed.

But, my friends, learning never disqualified any man for a public trust. If it did, then Daniel Webster—a regular college graduate, a scholar whose ripe learning traversed the whole field of knowledge, and the bell tones of whose classic eloquence are ringing today in our ears—was not competent to represent the old Bay State in the United States Senate. If so, then Thomas Jefferson—one of the most learned men of his time, the writer of the Declaration of Independence, the author of many books, and the founder of a great university—the pride and glory of his heart—

was totally incompetent to act as president of the United States. If so, then Wm. E. Gladstone—the broadest, most finished European scholar of his day, the greatest premier England ever had, was singularly incompetent to direct the destinies of the mistress of the seas. Surely these “peerless captains of industry,” as we are taught to call them, and their satellites are hard pressed for an objection to the learned and successful head of the great University of Princeton and the practical, intrepid and courageous governor who has inaugurated and carried to completion so many reforms in the interests of the masses in New Jersey, the very birth-place of colossal corporations. If ever a friend of the people, by the union of learning and practical common sense, in spite of tremendous opposition pushed through to successful passage a set of laws to curb corruption and debauchery in elections and to protect honest toilers from the cruelty and rapacity of the powerful, it was he. If ever a knight has ridden out upon the political field and fought party bosses and the panoplied emissaries of corporate despotism with a leveler or more successful lance than this college president, then history has not found him.

I am for Woodrow Wilson because he is a progressive statesmen. In the mad rush of the strenuous lives which we live in our times, too many of us fail to pause long enough to consider our actual condition as citizens. The liberties of the masses are gradually passing from them in our Republic. The individual who asserts this is at once dubbed by the man who boasts himself a conservative, as an alarmist. But we had as well face facts just as we find them. Liberty is not that intangible, sentimental something which many imagine it to be. Nothing is more inseparably linked with the substantial. Liberty depends upon the power the citizen possesses, and in the last analysis, power goes largely with property. Strip A of his property, and so circumstance him that he must work for B, and B alone, and though ostensibly free, he is the slave of B. Strip the great masses of their property and compel them to work alone for a small aggregation of individuals, or a system of trusts and monopolies, and their liberties are gone. Though ostensibly free, they are industrial slaves. A large per cent of the property in America has passed into the hands of a favored few. In the past thirty years there has been a stupendous change in the distribution of wealth in our Republic, and power has gone with wealth in this tremendous industrial revolution. Half the vast wealth of America is owned by a smaller number of men than reside in Kansas City, Missouri. The list

of our millionaires has already increased to many thousands, and is rapidly growing larger. We have two billionaires in America who are worth more than all of the people of Missouri combined. And this appalling condition is growing worse every day. If the present trend continues, in twenty years we will have as many citizens without property in the United States as they have in Russia. It is the opinion of some of our best and wisest statesmen that if something is not done to check it, thirty years from now we may experience what was finally experienced in the Imperial City by the Tiber; when the property of a vast empire passed into the hands of a few patricians; when vast multitudes, clad in rags and tortured by hunger, paraded the streets, crying for bread or blood, until the mightiest government known to men fell with a thud that shook the world. In the meantime, while this mighty economic revolution is going on and our property is passing into the hands of the few, the words of Wendell Phillips are sounding louder than ten thunders in our ears: "Eternal vigilance is the price of liberty. Power is ever passing from the many to the few. The manna of popular liberty must be gathered every day or it is rotten."

No man in America understands this rapid and dangerous trend to economic centralization more thoroughly than Woodrow Wilson. Here and in the moral reforms which he champions is found the very gist of his progressive candidacy. He proposes as chief magistrate of the nation to lead the fight to restore to the people their liberties. With a profound and logical mind he has studied deeply our institutions. He sees how, not simply in theory but in actual practice, we have departed from the high ideals of the Fathers of the Republic. He fully comprehends the meaning of the deplorable fact, that in a nation where fifty years ago property was more equally distributed than in any other beneath the skies, the distribution today, mainly by reason of governmental favoritism, is rapidly becoming more unequal than at any spot on the globe—that we now have more millionaires and multi-millionaires than all the world beside. He is against the system which has brought this unjust and pernicious condition about, and which portends in the immediate future even greater disparity and injustice.

And there is nothing visionary or Utopian about the methods advocated by Governor Wilson as the plutocrats are claiming. It nowhere appears in his writings or his speeches that any addition is to be made to our system of government. It is simply intended

to carry out the original spirit and intent of our institutions by the use of modern progressive machinery and the application of the fundamental principles of equality and justice. It is no objection to these methods that they are not hoary-headed. It would be as foolish to object to steam or electricity because the world knew nothing of their use for six thousand years, and their discovery and practical application by Watt, Franklin, Morse, Edison and others are all of comparatively recent date.

It is worthy of special note that the progressive methods advocated by Governor Wilson and others are not *from* Democracy, but *to* Democracy—not *from* the people, but *to* the people. * * * The plan—and one in entire harmony with the spirit of our system of government—is to call into action the latent sovereignty of the people and let them by sovereign edict correct the evils into which we have fallen. These are evils which did not exist during the lives of the founders of the Republic, but for which they provided adequate principles, leaving the immediate methods to be inaugurated as emergency required. The mailed hand of monopoly has now such a clutch upon the body politic that naught but a great blow from the sovereign people can release it, and here lies the one great objection to Woodrow Wilson. It is not his methods, but what he would likely accomplish as president which is arousing the patriotic ire and doleful forebodings of "The Interests."

I am for Woodrow Wilson because he stands for the Initiative and Referendum. It is at this point that the guns of the "Interests" are turned upon the New Jersey governor with greatest fury. It is here that their chief attack is centered. If they are directed against any other candidate for the presidency on this issue, I have not noticed it. It would seem that this comes not only because of his prominence as a candidate, but also from the learned and masterful manner in which he is advocating this method of arriving at the popular will. They fear that if he is elected it will become the law of the land.

What is the Initiative and Referendum? In my humble opinion it is the second Magna Charta of the Anglo-Saxon. Never since the sturdy Barons compelled King John to concede them their liberties at Runnymede has there been a measure embodying more of popular sovereignty and freedom for the masses. I see that Governor Harmon, now considered, outside of Missouri at least, as Governor Wilson's principal opponent, has recently delivered an address in which he has vigorously attacked the Initiative and Referendum. This accentuates the issue all the

more and will doubtless embolden the great monopolists and trust magnates as well as all citizens with imperialistic tendencies, to attack Governor Wilson with increased intensity. The Democracy, it would seem, is gradually approaching the parting of the ways—the crucial hour in its life when we shall turn either to Jefferson or to Hamilton. You will bear with me, therefore, for a few moments while I make an argument mainly from a legal standpoint for this great measure, now so dear to the hearts of the masses of the people and which the advocates of a centralized and aristocratic Republic are fighting with all the arguments great corporation lawyers can devise, and all the power that goes with unlimited wealth.

The Initiative and Referendum is a simple method intended to obtain an expression of the popular will. It is the very essence of Democracy. Like most great methods it has arisen out of the exigencies of the hour. Its purpose in the main is to obtain the justice denied by corrupt or intimidated legislators and to correct the intentional or accidental mistakes they have made. It is probably best presented as found in the constitution of Oregon, where it was adopted several years ago. The people of Missouri have copied the Oregon Initiative and Referendum verbatim and placed it in the organic law of this State. It provides that when five per cent of the legal voters in two-thirds of the Congressional districts petition the Secretary of State to submit to the people a given constitutional amendment or statute, it shall be his duty to comply with the petitions and place the proposed amendment or statute upon the ballot and permit them to adopt or reject the same. By similar petition the Referendum compels the Secretary of State to submit for adoption or rejection any statute passed by the legislature. The vote of the people is to be taken as their sovereign edict and the governor is not permitted to exercise his veto power. It is absolutely impossible to conceive of anything more consistent with liberty and democracy.

But it is claimed by some good men, but more especially by the representatives of the great moneyed interests, that the Initiative and Referendum is a change in our form of government. It is wonderful how solicitous the great millionaires and their satellites are about our form of government when occasion requires. This same argument was made by eminent lawyers before the Supreme Court of Oregon. That court held that there was no change in our form of government—that they still had in Oregon the legislature which made it a representative form

of government. They held that the Initiative and Referendum simply called into action a latent power of the people which they had reserved and which they had a right to exercise at any time. They held specifically that our form of government was in no way changed. The Supreme Court of Oklahoma, where they have the Initiative and Referendum, has held the same. No court so far as can be found has rendered an opinion holding that this measure works any change in our form of government.

But the emissaries of the "Interests" and the corporation lawyers are contending that a State which has the Initiative and Referendum does not possess a republican form of government. They cite here the Federal Constitution, which guarantees to every State a republican form of government. Let us appeal again to the authorities. And again the enemies of the masses and of popular liberty are overthrown.

The Supreme Court of the United States, as well as the great writers on constitutional and governmental law, have settled this question and put it forever at rest. To begin with, it has been specifically decided that the question as to whether or not a given State has a republican form of government, is a political and not a judicial question. It is a question for Congress and not for the courts to decide. In *Minor vs. Habbertett*, 21 Wall, 162 (U. S. Supreme Court), Chief Justice Chase said: "The guarantee (of the Constitution of the United States) is of a republican form of government. No particular government is designated as republican. Neither is the exact form to be guaranteed in any manner especially designated." In speaking of this guarantee of the Federal Constitution, Mr. Chief Justice Taney said in part in *Luther vs. Boeden*, 7 How., page 1 (U. S. Supreme Court): "Under this article of the constitution it rests with Congress to decide what government is the established one in a State. For as the United States guarantees to each State a republican form of government, Congress must necessarily decide what government is established in the State before it can determine whether it is republican or not. And when the Senators and Representatives of a State are admitted into the counsels of the Union, the authority of the government, under which they are appointed, as well as its republican character, is recognized by the proper constitutional authority. And its decision is binding on every department of the government, and could not be questioned in a judicial proceeding." This decision is quoted with approval in *Texas vs. White et al.*, 7 Wall, 700, 730 (U. S. Su-

preme Court). The law as declared by Chief Justice Taney is also approved in White vs. Hart, 13 Wall, 646, 649 (U. S. Supreme Court). I also call special attention to the emphatic words of Judge Cooley in Principles of Constitutional Law, page 216, where he says: "Congress is made the final judge in this case; there can be no appeal from its decision except to forcible resistance."

It being settled then that the Supreme Court of the United States, as well as our great law writers, have declared that as to whether the form of government of a particular State is republican or not is a question for Congress, it only remains to see what question Congress itself has decided. When Oklahoma knocked at the door of the Union and desired admittance as a State, her proposed constitution contained the Initiative and Referendum in even more lengthy form than now found in either Oregon or Missouri. The question at once arose for the determination of Congress as to whether or not a government containing the Initiative and Referendum in its constitution was republican in form. After full argument and consideration Congress decided to admit Oklahoma into the Union with the Initiative and Referendum in its constitution. This is conclusive, and, according to the opinion of Chief Justice Taney above quoted, the decision is binding upon every department of the government, including the judiciary.

It appears then beyond cavil that not only as a matter of liberty, but as a matter of determined constitutional law, Governor Wilson is right in advocating the Initiative and Referendum. How inappropriate then, and how unfair, is all the tirade of abuse being heaped upon him by "The Interests." How illegal, too, is their abuse and vilification. It is but another illustration of the fact that the great trusts and monopolies are the worst anarchists we have. They defy law just as completely as those who carry bombs and stilettos. And in the last analysis, taken as a whole, they inflict upon mankind far more suffering.

My friends, we ought to be honest and candid in discussing the merits of outside candidates for the presidency. Here is Governor Wilson, openly and with magnificent ability, espousing the Initiative and Referendum—confessedly a great boon, especially to the middle and laboring classes in America. He is abundantly sustained not only by the people but by the highest courts in the land. At the same time here is the governor of another State, Governor Harmon of Ohio, openly repudiating the Initiative and Referendum, and advising the people of his State to wait before they adopt it. The law as well as liberty is with Wilson and

against Harmon. It is worthy of special note, too, that there is vividly presented here to our gaze the difference between a progressive and a "waiter"—between a progressive and a "standpatter."

I am for Woodrow Wilson because he is a commoner. He is against aristocracy. My friends, I beg you to bear with me at this point. It is in me. It is born in me. I hate aristocracy and nobility as I hate the flames of perdition. When I sat as a small boy on the hard high bench in the old Missouri school house, there was in the back of my geography the picture of a king seated upon his throne and a poor human being kneeling to him in the act of worship, with his face to the ground. I used to turn to that picture to hate the king and pity the unfortunate subject kneeling at his throne. I humbly wear the name of that great Scottish chief, Sir William Wallace. I wish I could trace my lineage to him, but I cannot. I only know that in the lowlands and highlands of rugged, liberty-loving, God-fearing old Scotland my ancestors fought beside him, reddening the crystal streams and lakes with their blood. When Sir William Wallace was finally captured by the British he was taken to London and tried in a court of aristocrats in Westminster Hall. His trial lasted just one day. He was condemned to death. The verdict was the most brutal and ferocious in all history. He was sentenced "to be hung, to be drawn, to be beheaded and to be quartered." No appeal was allowed, the awful verdict being carried into execution on the following day. My friends, I know you will excuse me when I say that as old Hamilcar led young Hannibal to the altar of the gods and swore him to eternal hatred of the Romans, so I never read this verdict but that I reswear myself to eternal hatred of aristocracy.

It is not intended now to express the least opposition to organized government. By no means. Nor to express a want of appreciation of the fact that good honest blood—a noble heritage—pours through the veins of any individual. Nor is it meant to decry the possession of property honestly acquired. Whenever there is a *quid pro quo* the possession of property is a divine right. God cursed us when he said "in the sweat of thy face thou shalt eat thy bread," but He is infinitely honest and will not deny even the sinner the fruit of his toil.

Those now referred to, constitute quite a large class of citizens who have never given a *quid pro quo* for their possessions; who are simply basking upon the hard earnings of others. The

most of our millionaires and multi-millionaires belong to this class. They have not earned their fortunes. This constantly increasing class is now favoring centralization and imperialism in our Republic. They talk loud and long about a "strong government" and descant at length upon the danger that lurks in "the verdicts of the rabble." Living upon wealth they have not earned, they are the first to become haughty, purse-proud and exclusive, for the man who makes his money by honest toil usually remains a commoner, no matter how much he accumulates. This class of men who possess fortunes they never earned, but which come generally through governmental favor, is increasing in America with alarming rapidity.

No man can deny that they are engaged in creating a moneyed aristocracy. They are creating caste and class distinctions founded on dollars, not on merit. They are endeavoring so far as possible to adopt the pomp and glitter and ceremony which exist in monarchial governments. It cannot be denied that the unvarnished, candid truth is now being told. No man can refuse to accept the statement, in another part of this address, that the vast wealth of America is passing from the people and into the hands of a comparatively small number of persons and that these persons are endeavoring to inaugurate a reign of aristocracy in our midst. Nor can it be disputed that this is the old highway to ruin traveled by the free nations of history.

No man in America deplores this tendency to imperialism and aristocracy more deeply than Woodrow Wilson. He fully realizes that we are a long distance from the primitive simplicity of the Fathers. When he was elected president of the great University at Princeton, aristocracy was rapidly gaining the ascendancy. Princeton's endowment fund runs up into the millions. It is within a stone's throw of Wall Street. Millionaires are connected with it, and caste and class distinctions were rapidly coming into existence among the students.

No sooner had Wilson been elected president than he announced that he intended to "democratize" Princeton. He said he intended to carry on the work until the son of the poor man stood upon a precise level with the son of the millionaire. He proceeded with his labors until he produced a revolution in Princeton. If elected president of the United States this great commoner will do all in his power to bring our Republic to the simplicity and pure democracy of the signers of the Declaration of Independence.

I espouse the cause of Woodrow Wilson because he promulgates the same principles promulgated by that great commoner—who has an everlasting place in the hearts of the American people—Wm. J. Bryan. And I am glad to know that Wilson is the equal of Bryan or of any other man alive. He stands with Bryan

1. For tariff revision downward.
2. For election of United States Senators by popular vote.
3. For State-wide primaries regulated by law.
4. For the Initiative and Referendum.
5. For the purification of the ballot box.
6. For the enforcement of the law.

As to the first issue, namely, the revision of the tariff, it is sufficient to say that in the solution of this problem is involved the economic liberties of the American people. I have already dwelt upon this in a former part of my speech. It is sufficient to say that no man has studied this question more deeply, or understands it more thoroughly, or is more positively on the side of the people, than Woodrow Wilson. As to the second issue the governor of New Jersey stands unalterably in favor of the election of United States Senators by popular vote. "The Interests" and all opposed to popular government are against it. When a candidate for the United States Senate in New Jersey had received the popular expression of the Democratic voters, and a great boss attempted to wrest his victory from him, Governor Wilson openly opposed the election of the boss, who had hitherto exercised almost supreme power in New Jersey. And the fight between the boss and the great teacher was a hot one, and the boss was overwhelmed. The governor of New Jersey has made splendid performance in the matter of primary elections held under the law. His promise was, if elected, to use his power, as governor in the great corporation State of New Jersey, to give the people primaries under the law. He pushed to successful passage what is known as the Geran Election Law, which provides for primaries conducted by law. As already explained, Woodrow Wilson stands for the Initiative and Referendum. It is worthy of special note that no man in America can more clearly explain this great Magna Charta of the people than he.

Woodrow Wilson stands with Wm. J. Bryan for the purification of the ballot box. Surely the people of Missouri will agree with him here. Elections in Missouri during the past ten years

have been far more corrupt than in any other State in the Union, and they are rapidly growing more corrupt. The people of this State have endured what would not have been endured in New York, Philadelphia or even in Chicago. Our political debauchery arises largely from the fact that our ballot boxes, under the law, lock up the villainy of election thieves, and from the further fact that some of our highest officials refuse to do anything whatever to prevent frauds in our elections. The election of 1910 in Missouri was beyond cavil the most corrupt in the history of the world. It is safe to say that in this election more than 100,000 false votes were recorded, either by reason of fraudulent registration, the colonization of voters, the voting of ghost names or names of dead men, or falsely reading the votes of thousands of honest men.

In the purification of the ballot box Woodrow Wilson appears as a profound reformer. He caused an election law to be passed in New Jersey which provides that in large cities there shall be registration. The man who registers is compelled to sign his name, and when he comes to vote he must again sign his name, and the judges compare the two signatures. If forgery of the first name is committed the forger is sent to the penitentiary. Such a law in Missouri would have prevented in 1910 the casting of over 100,000 fraudulent votes. The election law, whose passage Governor Wilson secured in New Jersey, also provides for the choosing of election officers from a list of candidates who have passed a civil service examination. Any man can see what a tremendous instrumentality for honesty this must be in a great city. Surely the satellites of the great trusts and corporations are wilfully misrepresenting the governor of New Jersey when they contend that he is not a profound and practical statesman.

Our liberties depend upon the purity of the ballot box. It is being corrupted throughout America, though far more fearfully in Missouri than elsewhere. Beyond peradventure Missourians will not be averse to voting for a man for president who has both the courage and the ability to stand for honest elections.

There could be no more important issue just at this time than the sixth one mentioned above, viz., the enforcement of the law. Good men who now behold the laxity of law enforcement and the increase of crime are trembling for the perpetuity of our institutions. They know that a reign of crime always ante-dates the downfall of a free government. Three of our presidents, Lincoln, Garfield and McKinley, have been assassinated in a shorter space

of time than any three of the tyrant rulers of Rome were assassinated during her darkest days. Since 1885 the population of the United States has increased in round numbers about sixty per cent. During this time murders have increased over five hundred per cent. Our great system of trusts is but a stupendous aggregation of petit larceny on a colossal scale. In such an hour men are crying out everywhere for the enforcement of the law. No man who has studied his history can doubt for a moment that Woodrow Wilson has both the courage and the ability to enforce the criminal laws of the land.

Some men are wondering why Mr. Bryan has practically come out so openly in his preference for Woodrow Wilson for the presidency. When we pause and think a moment this is no matter for wonderment. Here are the great principles for which Mr. Bryan has stood for twenty years, and here is a man who can promulgate and defend these principles. I mean no disparagement to any person here, but the fact is that Mr. Wilson has given them as a teacher and a writer upon our system of government such long and profound thought that he is espousing these principles with marvelous clearness and ability. The Democracy of Missouri loves Wm. J. Bryan, and I am sure that every Democrat will pause to consider as to whether Wm. J. Bryan is not right in showing such decided preference for Woodrow Wilson.

I am for Woodrow Wilson because he has overcome the most stupendous temptation presented to a public man in half a century. My friends your attention is called in this connection to that marvelous scene depicted in the New Testament where the devil takes the Christ up into an exceeding high mountain and shows Him all the kingdoms of the world and the glory thereof, and says to Him, "All these I will give Thee if Thou wilt fall down and worship me." I am no theologian and I have had no time to consult commentaries or other authorities in my hurried trip through the State. To my mind this great scene is intended to typify the temptation that comes to human ambition. Men have filled the world with crime and bloodshed in the gratification of ambition. Jesus was not only a God, but He was also a man. The devil was appealing to one of the most powerful propensities in the human soul, namely, the thirst for power and glory which we call worldly ambition. The triumph of the Savior was intended as an example for others to follow when the powerful temptation comes to commit sin for the gratification of ambition. Jesus is not the only one to whom this awful temptation has come. It came to Alexander

the Great, to Cæsar, to Charlemagne, to Napoleon, and they fell. It came to George Washington when the devil doubtless suggested to him that as the hero of the American Revolution with the army at his back, he proclaim himself a king. But he triumphed and returning his sword to Congress, retired like Cincinnatus to private life.

As I contemplate the man I am now advocating in this behalf a remarkable scene rises before me. Three distinguished characters appear in the picture, Colonel Watterson, Colonel Harvey and a moneyless aspirant for the presidency, Woodrow Wilson. The words spoken are given by the first two persons named. Colonel Watterson says, "Governor Wilson, it is money, not patriotism, that counts in politics. You need a great campaign fund in your fight for the presidency." Colonel Harvey assents to this and suggests that a Mr. Ryan, who Wilson knows represents "The Interests," will collect the fund if Wilson will accept it. My friends, I know just what happened at that crucial moment. The devil never yet lost an opportunity. He conducts this moneyless New Jersey governor, who has his ambition and who thinks and contemplates like lightning, into an exceeding high mountain, and shows him all the great trusts, monopolies and special interests and the fifty billions of wealth which they possess, and he says to this governor, "The only act of worship which I require is to accept the gift which these men offer and the minions of these fifty billions of capital shall be at your service." But, thank Heaven, Woodrow Wilson, in humble imitation of the man Christ Jesus, cried out in substance, and, Colonel Watterson says, with "tyrannous" indignation, "Get thee behind me, Satan, for it is written, thou shalt worship the Lord thy God, and Him only shalt thou serve." If there is a grander act in modern politics or patriotism, the eagle eye of history has not found it.

I espouse the cause of the Governor of New Jersey because the criminal classes are against him. No offense is meant to any good citizen by this statement. It is admitted that there are good men who are against Woodrow Wilson. But beyond cavil the criminal classes are solidly against him. Every crook, thug, thief, grafted, boodler, burglar, highwayman, murderer and assassin is against him. They know he is a courageous man of lofty character who refuses to compromise with crime, and they hate him as the devil hates moral worth. They know he stands for the law and they hate and fear him as they hate and fear the law. Every corrupt political boss who has heard how he routed the

bosses in New Jersey is against him. Every professional briber who debauches legislators, city councilmen and jurors, is against him. Every ward-healer who manufactures registration lists, stuffs ballot boxes, votes ghosts and forges election returns, is against him. Every corrupter and poisoner of the youth of the land is against him. Every despoiler of the American home is against him. Every man bent upon the destruction of our Christian civilization is against him. Every defender of governmental favoritism and of trusts and monopolies is against him. Every wicked mixer of watered stocks, the most nefarious device known to human ingenuity, for obtaining money by false pretenses, is against him. My friends, I know the enemies Woodrow Wilson has made and I love him because they hate him.

And now, my fellow citizens, I close this impromptu speech as I began, by assuring you of my loyalty to my boyhood State. I believe I can truly say that my defense of her civilization and her noble people has been as intense and has covered as many years as that of any man living or dead. I believe I can say also that my reward has been far smaller in proportion to the labor expended, than that of any other man. This I regard, however, as to my credit rather than to my shame, for I have the consciousness of knowing that at least nine-tenths of my labor has been for my State and the chosen representatives of my party, rather than for myself. I am as loyal to Missouri now as when my sun stood in the early morning of life. In this presidential contest, I am for a Missourian above all others. In the delivery of the speech with which I have already trespassed upon your kindness and patience too long, I have been actuated by an intense desire to prevent Missouri's being delivered into the hands of her enemies in case her own favorite son, whoever he may be, shall go down at Baltimore. Woodrow Wilson's name is cheered in Missouri wherever I mention it. Beyond question he is the second choice of nineteen twentieths of the Democrats of this State, and Taft advocates and Roosevelt advocates throughout the commonwealth, are openly saying they will vote for him in case their favorite is not nominated. Clark men throughout Missouri assure me that ninety-five per cent of the supporters of the illustrious Speaker of the House of Representatives, are for Woodrow Wilson for second choice, and they commend me for advocating him as such. One thing is certain, if by any sort of political legerdemain the candidate outside of our State, Governor Harmon, now positively known to be the choice of "The Interests," receives the vote of Missouri

in the National Convention in preference to Woodrow Wilson, it will be the most flagrant misrepresentation of the popular will in all the history of the politics of our State.

ROBERT E. LEE.

(From address delivered at a State gathering of ex-Confederates of Missouri at Fulton, Mo.)

(H)NE OF the greatest names in history is that of Robert E. Lee, This declaration will be as readily accepted now at the North as at the South. A man who even in the black hour of war could obey the most difficult of all divine commands and pray morning and night for the enemies whom he was fighting, was sure to receive the love and admiration of mankind. I desire for a few moments to consider this wonderful, lovable man, first as a citizen and then as a soldier.

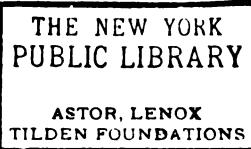
The true citizen must possess three prominent qualities. First, he must be a gentleman. Second, he must be a good man. Third, he must have courage.

Robert E. Lee was a typical American gentleman. No more cultured, polished man ever lived; yet he was absolutely free from mannerism or affectation. He was a model of dignity and propriety; yet he was as simple in his bearing as a child. He was an unassuming yet lofty representative of the very best our civilization can produce. He was as princely as Washington or Webster or Edmund Bourke; yet he was as true a commoner as Thomas Jefferson or Daniel O'Connell or Abraham Lincoln.

Robert E. Lee was a good man. The world is rapidly reaching the conclusion that goodness is the real test of greatness. It is goodness, not intellect, that distinguishes an angel from a fiend. It is "the pure in heart" who "shall see God." And it is "the pure in heart" who have benefitted and ennobled our race. Commanding ability without moral worth has ever been a curse rather than a blessing to mankind. The world is worse that Byron, Rousseau and Voltaire lived in it. It is better that it had as its citizens John Bunyan, Wm. E. Gladstone and St. Paul. Lee possessed genuine moral worth. In the purity of his heart, the loftiness of his purpose and the cleanliness of his life, he



ROBERT E. LEE.



presented the highest type of exalted manhood. It was of such a man that the Psalmist exclaimed, "Mark the perfect man and behold the upright, for the end of that man is peace." I deem my duty to say in this connection that Lee was an ardent advocate of temperance, not only by precept, but by what is far more powerful, example. When he took the field an admiring friend gave him two flasks of fine liquor. He carried them with him, with the contents untouched, throughout the war, and then returned them to the giver. I see from the applause with which he is greeted that Lee's position and not that of a splendid veteran who advised liquor for soldiers, in a speech this morning, meets the approbation of this great audience.

General Lee possessed courage of the very highest order. No other soldier ever drew a sword. We admire physical courage. It is right that we should. It has its place. But this is courage of the lowest order. It is possessed by the highwayman, the pirate, the desperado and even by the eagle and the lion. But Lee went far beyond mere physical bravery. He possessed moral courage in as high a degree as any man who ever lived. No citizen is ever truer to his convictions. When the war came on, two great, antagonistic ideas were prevalent in America. The people of the South loved the doctrine of State's Rights as taught by John C. Calhoun, Alexander H. Stephens and others, while the people of the North were just as intense in their devotion to Nationalism as promulgated by Daniel Webster, Wendell Phillips and others. Lee believed in the doctrine of State's Rights. He believed in it conscientiously and intensely. Yet he was a strong Union man. He had fought beneath the Stars and Stripes, and had defended the flag of the Republic with supreme devotion. He believed that the people of the South in the right of secession, but he fought, and stated openly, that in his opinion secession was unseemly. He felt, and so stated, that if the South seceded untold misery would come to his people. When it was certain that his native State, Virginia, would secede, President Lincoln sent Frank Blair to him to tell him, that if he would resign his position in the army he would make him commander-in-chief of the armies of the Union. Lee undoubtedly knew this would crown him with glory, and in the end probably make him president of the United States. But he stayed with his convictions, resigned his position in the army and went with his own people, although he knew they were vastly lacking in both numbers and money. Moses is surely to be more honored for declining the honors and glories

of Egypt, to share the lot of his own people, than is Robert E. Lee for this magnificent exhibition of self-abnegation and devotion to honest conviction. General Scott, who was growing old, and at that time head of the army of the United States, regarded Lee as his natural successor. At the close of the Mexican war he had pronounced Lee the greatest military genius America had produced. In this crisis he said to Lee, "Lee, for God's sake do not resign." Lee's reply was that he could not consult his own feelings in the matter and must go with his own people.

But, my friends, what you are doubtless most interested in, is Lee as a soldier. It is sufficient to say at the outset that no warrior in the annals of time was ever more abundantly endowed by birth with the genius of war. He belonged to a family of soldiers. One of his ancestors, Lionel Lee, crossed the British Channel with William the Conqueror. Another of the family fought with Richard the Lion Hearted in the Third Crusade, and his father was Light Horse Harry Lee of Revolutionary fame. To a natural turn for arms and intrepid courage Lee added thorough training and experience. He had been both student and professor at West Point, and distinguished himself for valor and ability in the Mexican War. It is safe to say that no soldier ever mastered the science of war more thoroughly. He acted with intense rapidity, but so familiar was he with his calling that every move he made was sanctioned by the settled principles of his profession. He was not a haphazard commander, depending only upon dash and daring for success. He rushed not to battle, exclaiming, with the mad spirit in *Manfred*:

"I'm the rider of the wind,
The stirrer of the storm,
The hurricane I left behind
Is yet with lightning warm."

He thoroughly planned every engagement, and then struck like lightning, but every thunderbolt was aimed with precision. No soldier has ever made more of his opportunities. He gained probably more than three-fourths of his fights, and, as I recall, he never went into a battle where he was not outnumbered. Lee, with his magnificent character and lofty devotion to duty, is now considered the common heritage of all Americans, and I do not believe that any fair man, North or South, will object to what has just been said.

I have not time now to describe the great battles in which Lee was engaged—the battles with McClelland about Richmond; the second battle of Bull Run; Chancellorsville; Gettysburg, and the long and terrific struggle with Grant in the Wilderness.

It would be useless, if not improper, to compare Lee with other American generals. We are only fifty years from the awful conflict. Such comparisons still arouse antagonisms and do more harm than good. It is enough to say that Lee's name is fully worthy to rest by the side of that of Grant or Washington or Napoleon or Wellington or Charlemagne or Cæsar. History has furnished no greater soldier, and his fame as a superb military genius is not dimmed by reason of the fact that he was finally overcome. Napoleon was finally overcome; so was Leonidas; so was Hannibal, thought by many to be the most marvelous genius for war in all antiquity.

Among others there have been two great Americans whose deaths were peculiarly beautiful—McKinley and Lee. McKinley, pierced by the bullet of an assassin, lay upon his bed and died with a prayer upon his lips. Lee also died in prayer. He was accustomed to ask the blessing at his table. While thus engaged, and, as was his habit, in a standing posture, he was stricken and fell. In the brief delirium that antedated death he thought he was in battle in the Sunny South. And thus this great soldier passed over the river and into that land where there shall be no more night; "And they need no candle, neither the light of the sun, for the Lord God giveth them light, and they shall reign forever and forever."

McKINLEY MEMORIAL ADDRESS.

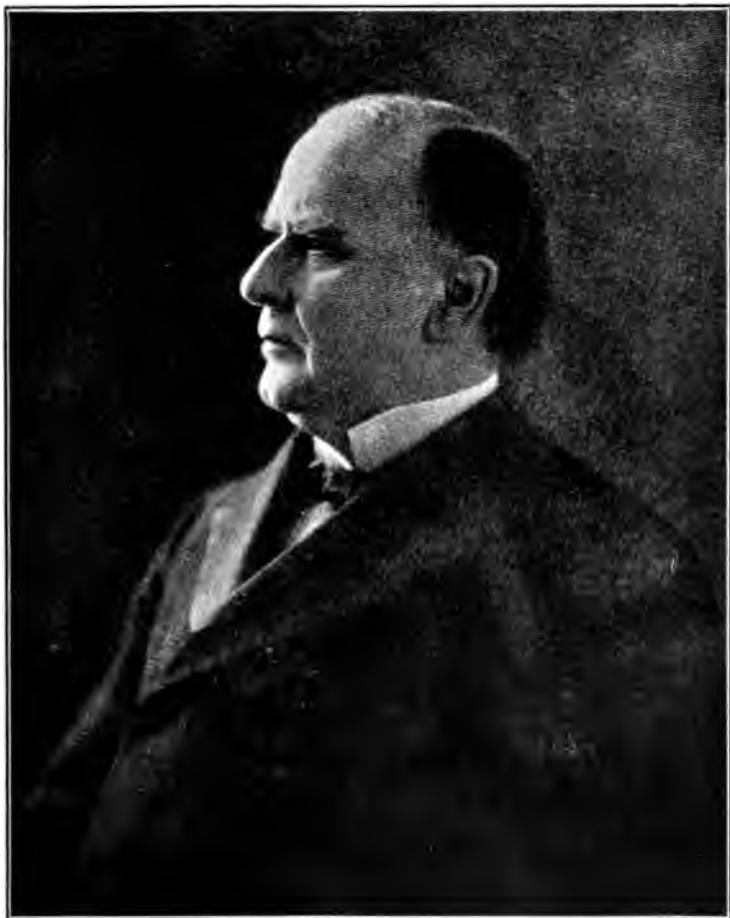
(From Address at Memorial Services of President McKinley.)

My friends, I am an active, enthusiastic Democrat. But with men of all parties, North and South, I stand today as an American at the grave of the Nation's Chief.

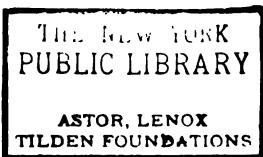
Another sun that shone so long in our national skies has gone down and death is enshrouding us with his chilly shadows. As a great nation, we are again halted here along life's mysterious highway and in the silent gloaming, stand gazing into the dark beyond. We are all come once more to the great parting of the ways. A distinguished fellow traveler, warm in heart, resplendent in intellect, but mortally wounded and worn out and exhausted by the awful march, has taken his last faltering step, made his last gasp for life and then dropped dead in the weary road. We cluster close about him. We see his familiar form, the clayey tenement in which he dwelt, but he himself is absent. In silent wonder we gaze at one another and each reads in his fellow's face the dread question, "Whither has our brother gone?" But no answer comes from there. In the deepening twilight we look all about us to see naught else save a single sign board on which is painted the iron finger of death, pointing immovably into the black and pathless abyss beyond, and the great question presses down upon our hearts—for reason now lags behind—"If a man die, shall he live again?"

From out this stilly hush there come three voices giving answer to this momentous question.

The first voice says: "As to whether your brother's spirit is dead or still alive, we have not sufficient evidence; we do not know; we cannot decide. It may be that a brighter day has dawned, and in the warming sunlight the bud has burst and died that a fadeless flower may grow, or it may be that unending night has come and the bud is wrapped in the icy frost of eternal death; we have not sufficient evidence; we do not know; we cannot decide. It may be that he who loved



WILLIAM MCKINLEY.



companionship so well is now in the rich fruition of his fondest hopes 'midst spirits just and angels bright, or it may be that like some luckless star suddenly losing his moorings, he has plunged out into boundless space, there to wander on forever, lone and unattended in the pathless void. We have not sufficient evidence; we do not know; we cannot decide."

Oh! Agnosticism, is this the only solace thou canst bring? Is this the only drink thou canst give to a soul athirst? Is this the cold rock to which hapless Prometheus must be forever bound, whilst the ever forming vitals of hope are in turn to be plucked out by the eagle of despair? In the dread solitude of an hour like this is indecision, the nervous old parent of mental torment, the only companion thou canst suggest?

There comes another voice, more cheerless than the first. It says: "Your brother, mind and body, is dead. As the lighted candle burns itself out and as a candle is obliterated forever, so he has passed away. He will never think, or love, or feel again. Reason ~~ever~~ fresh with conquest shall still march on, but he who fought so knightly amidst her quivering plumes shall never poise his lance again; your brother's intellect is dead. Love, sweet goddess, filling human hearts with bliss, shall still abide, but he who loved so truly shall never love again; your brother's heart is dead. Music, harmony of the universe, shall still roll on, but he whose soul was stirred so deeply by its rapturous swell, will ne'er be thrilled again; your brother's soul, if soul it could be called, is dead."

We may not know just why, but whatever we may have said at other times, some resistless power deep within us, now cries out, "Stand aside, Atheism; oh, stand aside! Thou shalt not place the black cap of annihilation upon the noble brow that sleeps before us."

"Blessed be that great and Holy Spirit who breathed us into being and made us immortal like Himself," there comes another voice. It is nature's voice, prompted to speak by nature's God. In this night of life, in which we have lost our way, it is the caged bird of paradise singing darkling in every human breast and telling us that anon the morn shall rise. Yes, it is more than this. To us, athwart whose favored skies the beckoning lights of revelation have been swung, it is the "still small voice" of the religion of Jesus Christ, the Son of God. This voice says, "William McKinley still lives—lives where clouds shall never lower and suns shall set no more."

With uncovered heads, we bend today above his open grave. These yearnings for immortality for him and for ourselves, burning now within our breasts like undying fires, assure us that more of life than of death is here, while this awe unspeakable reminds us that the boundaries of two worlds have well nigh touched, and that the winged attendants of the King of Glory are not far away. In life's awful battle, fought where dusky twilight holds perpetual sway, heaven's messengers of mercy cease not to search the pallid field of death, pressing the water of life to the lips of the dying and bearing the ransomed dead to their eternal home. As visitors from the unseen world lingered about the Savior's tomb, so some voice is whispering now that God's convoys are tarrying here while we say good-bye to our brother's soul. Midst this holy hush we almost feel upon our tear-wet cheeks the downy fanning of angel wings. Ere we know it, our hearts have left us and are mounting upward, following Jehovah's chariots through the skies. As young eagles reared where the sunlight never comes, when tossed by the parent bird from out their craggy nest beside some murky mountain gorge and left to fly or perish on the rocks beneath, follow their instincts and on intrepid wing mount upward till they look the blazing king of day directly in the face; so we, thrown out today above the black vortex of the unknowable, will follow that holy instinct, common to our race, and mount upward to that loving God whose radiant face our sins have hidden from our view. And we can rest assured that He who deceives not the young eagles, but brings them to the blazing realms for which their eyes were formed, will never deceive us. If we will but trust Him, not only with nature's lamp, but by His Word and Holy Spirit, He will bring us to the light for which we yearn and for which our souls were made.

Oh, yes, yes; if we will but trust in God and in His Holy Son as William McKinley did, some day we shall meet him on the bright shore to which he's gone—that Beulah land where sin and assassination and suffering and death shall come no more. Some day, some sweet day, we shall walk with him the golden streets of that Eternal City, where bells never toll, but are chiming and chiming on forever. Some day, some rapturous day, we shall enjoy with him the endless rest of unending activity, for disembodied spirits shall never tire. Some day, some glorious day, we also "shall be satisfied" when we shall "awake in his likeness."

ARGUMENT AGAINST THE TRUST.

MADE AT MARSHALL, MO., IN OCTOBER, 1902.

(From the *Marshall Evening Progress*.)

"As a public speaker, Mr. Wallace has but few equals, and hardly, if any, superiors. None, certainly, in Missouri of the present time whom we have ever heard. His voice is sweet and clear and ringing. He has trained it to such power and compass that he can be distinctly heard by those at a distance as well as by those who are near him. Though at times exceedingly vehement, yet he is not a violent speaker. He comes up to our conception of a master of elocution in the management of his voice and his gestures which are varied in a manner that is agreeable and natural with the varying sentiments, passions and phases of his subject. He is a most artful speaker, and is proof of the truth that oratory is as truly an art as is sculpture or painting. His attainment, too, in the use of language is not inferior to his other accomplishments as an orator. He has a wonderful grasp upon the power of words, and the vital connection with the thoughts and sentiments which they convey. No one can help admiring his inimitable diction, and to be struck by his amazing facility of utterance. In clear, successful, senseful and impassioned utterance, he is vastly superior to his competitor (Wm. J. Stone) for a seat in the United States Senate. He has also that indispensable concomitant to forcful and eloquent speaking. The sight of the fine audience at the court house, many of them Marshall's prettiest women, seemed to make the electricity tingle in his body, to put his mind in a glow, to clarify his memory, and to put him in command of all his intellectual powers.

"Mr. Wallace spoke for more than two hours, and his speech was the most profound and logical argument to which we have ever listened, while it was clothed in the purest and most classical language and imagery, and made aglow with the fire of his genius and his animated and lofty patriotism.

"We admire Mr. Wallace. We have ever since his introduction into public life been doing mental tribute to him for his great moral courage—for his habit of telling great truths, such as most public men timidly forbear to speak upon.

"The *Progress* extends to Mr. Wallace the thanks of this community for the instruction and delight which his speech at the court house afforded us all."

THE SPEECH AT MARSHALL.

Ladies and Fellow Citizens:

COMING as I do from Kansas City, probably the newest large center of population and industry in the world, and where of necessity much attention is given to the new, the novel, and even the startling, I fear that some of my auditors tonight may be expecting a different sort of speech from the one which, in my poor way, I shall endeavor to make. To prevent total disappointment, therefore, on the part of any one, I desire to state at the outset that I am no political sensationalist. I am by no means a specimen of that modern type of public speaker known as a spell-binder. I have no appeal to make to your prejudices. The spell-binder always has. I have no false hopes to enkindle in your breasts. The spell-binder always has. I have no tirade of spleen and vilification for the man who honestly differs with me in politics. The spell-binder always has, and it is here that he reaches the climax of his transient power, because before they know it he has stirred the hates of his audience and swept the ignorant and unthinking from their feet in the whirlwind of his abuse. As the sensational preacher of our times is often crowned with choicest laurels in the pulpit, so the spell-binder often stands listening to what to him is the sweet music of the cheers and plaudits of his hearers. I may be accused of being moved by envy, but I have no sort of respect for the spell-binder, and I refuse tonight even for glory's sake, to attempt to adopt his methods.

As for myself, fellow citizens, I am a plain lawyer, who for more than a score of years has gained a livelihood by hard knocks at the Missouri bar, and I am here upon no personal mission. I am taking part in this campaign in response to four requests in writing from our State Committee. Business was such that I could not, or I should have commenced upon the reception of the first request. I shall endeavor to make tonight a practical, commonsense and so far as possible logical argument upon the profoundest question with which the American people have grappled in the past half century—the great problem of economic freedom.

I wish to thank the ladies for their presence here tonight. Woman is better than man, and when she shall oftener lend her gracious presence and purifying influence to public gatherings,

man will be better and purer in the performance of public duty, just as when she stands closely by his side, he is elevated and ennobled in all the walks of life.

The presence of ladies on public occasions may serve another and most patriotic purpose. When the beautiful city of Paris had capitulated at the close of the Franco-Prussian war, and the conquering army of the German emperor was marching in for its triumphal pageant through its gilded streets, it passed immediately under the Arc de Triumph, the most massive and resplendent structure of its kind in all the world, and upon whose granite walls are deeply carved the names and dates of the battles in which the French have triumphed over their enemies, notably the victories of the first Napoleon, Lodi, Marengo, Austerlitz, and numbers of others. When the German soldiers beheld these inscriptions, commemorating, as many of them did, the crushed out lives and liberties of their ancestors, they became so infuriated that they climbed to the top of the huge structure and began to tear it down. Of all the splendors of Paris this arch is the pride and glory of the French, and hundreds of citizens packed themselves together upon its top, that with their own bodies they might stay the hand of the despoiler, but they were forced down, and as battalion after battalion passed under the soldiers would rush from the ranks and the work of destruction went on. Finally the patriotic and ingenious French hastened to their homes and bringing their wives and daughters placed them upon the top of the structure. The chivalric Germans, seeing them, desisted, and the Arc de Triumph was saved. So, now, when in the opinion of some of our best and wisest men, destroyers are climbing here to the top of this resplendent temple of liberty and prizing apart and casting to the ground the stones laid in place by the hands of our fathers, consecrated with their tears and prayers, and mortared together with their blood, we can place here our wives and our daughters that the despoiler, seeing them, may perchance desist, and the mighty old structure, the wonder and admiration of the world, be saved.

With this short preliminary, I am ready for the discussion of the first theme suggested, the great problem of economic freedom, which will involve a specific consideration of the burning question of the hour—Shall the trust be perpetuated or destroyed?

My friends, beyond all peradventure it was the intent of a beneficent Creator that man, who was made but "a little

lower than the angels, and crowned with glory and honor," should be the possessor of perfect liberty. This glorious truth is taught both by Nature and Revelation. When we look without us, we find that Nature has her laws and her inexorable penalties, to be sure, but she nowhere becomes our dictator, and we can obey or disobey those laws, just as we choose. When we look within us, consciousness, the primal power of the mind, tells us that our wills are absolutely our own. So in that clearer and more specific book, God's written message to mankind, the great truth that we are freemen is taught on almost every page, from the writings of Moses to the apocalyptic visions of St. John. The most stupendous and perplexing question of all the ages—Why did a Holy and Omnipotent God permit sin to enter this world of ours?—finds its best answer, so far as my reading goes, in the sublime argument of old John Milton in *Paradise Lost*, that the Almighty was so determined that man should possess absolute liberty that He permitted him to forfeit Paradise rather than interfere with the freedom of his will. Those rapturous words which have so often stirred our patriotism—"all men are created equal"—were not put together by the world's greatest commoner, Thomas Jefferson, above whose grave I stand in loving awe, but were taken by him verbatim from some resolutions just passed by a body of ecclesiastics in North Carolina, who had devoted their lives to the study of divine law, and to whom the historian, Bancroft, says belongs the imperishable glory of having raised the first hand in America against the tyranny of Great Britain.

But clear as it is that man has been born a freeman, his history is the record of a slave. True, he has made a brave fight. He has reddened this ball on which we tread with his blood. He has whitened the broad highway of the centuries with his bones. But except in a few rare instances, he has never succeeded in wresting the iron scepter from the mailed hand of despotic power. Absolutism, or in plainer language, one-manism, generally in the shape of a monarchy, without written or unwritten constitution, and where all authority has been vested in a single individual, has been the usual form of government among men. Republics—a fact that should sink deeply into American hearts—have simply been oases in the vast Sahara of time, whose springs of freedom have either dried up or been filled up as the years rolled on, and today, as we await the certain coming of industrial despotism, unless its stealthy approach be impeded, Patriotism is crying out with a voice louder than ten thunders—"Dip deep the springs of

freedom in your land. Place truest men on guard. Tyranny is ever searching for those who sleep upon their rights."

The bondage to which man has been subjected is of three kinds, personal, mental and industrial. The first occurs when one individual owns another, directs the movements of his person and can sell him and pass title to him as he sells and passes title to any other species of personal property. Many of us here tonight beheld this sort of servitude in that institution known as African slavery, an institution which all of us are rejoiced has passed away forever. The second kind of bondage occurs when the mind of one man is unwillingly under the dominion of that of another, and free thought and free speech are denied. Examples of this sort of servitude were seen when John Bunyan wrote Pilgrim's Progress in his chilly cell; when Nero, steeped in his nightly orgies, illuminated the streets of the Eternal city with the living burning bodies of the unoffending followers of the Prince of Peace. Thank Heaven, we have now in America neither personal nor mental servitude. The third kind of bondage occurs when, either openly and directly, or secretly and indirectly by some sort of nefarious pretext or device, one man appropriates the fruits of another man's toil. This brings us immediately and logically to the great theme in the present campaign, and for myself I desire to be guilty of no cowardly straddling or temporizing at this point. Let the issue be drawn clearly and sharply.

I maintain that the American toiler, whether with muscle or brain, is rapidly passing under the bondage of the most cunningly devised and diabolical instrumentalities for the extortionate appropriation of the fruits of his labor, ever yet invented by the subtle genius of human rapacity, and I charge that these instrumentalities are what are known as trusts and monopolies. I realize that this is a serious charge, couched in strong language and that as a fair man it now devolves upon me to prove it. This I proceed to do. In doing so I ask you to permit me to adopt the course usually pursued by lawyers in presenting a case to a Supreme Court, namely, to state such general evidence as bears upon the whole case and then take up the argument, stating other evidence deemed necessary and pertinent as we proceed.

Let us first examine the evidence, painful and alarming as it is to every patriot and lover of justice, showing beyond controversy that the business of the country, using the word business in its broadest sense, as meaning the great field of human industry, is being taken from those who labor in it and owned

and controlled by trusts and monopolies, which heap together in colossal and unneeded sums, the net earnings intended by the Creator as the just heritage of His creatures. It is hoped that as we proceed the great truth that business and liberty "are one and inseparable," will also be borne in mind. The honest toiler must either work or perish, and when the great departments of business, intended by Divine Providence to be open both to his labor and his possession, are wrested from his possible ownership, he becomes the hopeless servant of another, an industrial slave. His liberty is gone. So that it logically follows that they who deprive a nation of laborers of the net fruits of their toil, take away from them their liberties also.

I beg leave to pause long enough to express the hope that during my argument I can keep the saddle better than the young English nobleman did, who "'unted hantelope hon a broncho hin the wild west of Hamerica.'" He thus described his experience: "I took me piece (his rifle) hout hof the case and procuring a broncho went hantelope 'unting hin New Mexico. When separated some five miles from me party, I suddenly saw ha large hantelope standing still and looking hin wonder straight hat me. I laid the reins hon the shoulders of me beast, and hadjusting me heye glass, leveled me piece hat the hantelope. I pulled the trigger and me piece *went hoff*, and the antelope *went hoff*, and me heye glass, alas, *went hoff*, and I *went hoff*, and the broncho *went hoff*."

The business of our country naturally divides itself into four great branches. 1. The business of the producer. 2. The business of the transporter. 3. The business of the manufacturer. 4. The business of the distributor, commonly called the merchant. This is my own analysis, but I believe that, excepting the work of professional men, it practically includes all business of every kind. Let us take up each of these classes of business, for reasons which will appear as we proceed, not in the precise order named, and state the evidence showing how much still belongs to the American freeman, and how much has been wrested from him by the trusts and monopolies.

1. We will consider first the evidence as to the business of the transporter. It has practically passed in to the business of the railroads. It is an enormous business, comprising, it is believed, so far as net profits are concerned, more than a fourth of all the vast industrial domain of our country.

Some conception of its magnitude may be obtained by reflecting that it is the work of transporting to market all the

cattle, horses, mules, hogs, sheep, wheat, corn, rye, oats, hay and other products sold from all the farms in America; all the lumber culled from our vast forests and all the mineral dug from the bowels of the earth. Add to this also the right of transporting back to the consumer the finished product as it comes from the manufacturer, and the right of conveying eighty millions of people from one point to another.

As stated a moment ago this vast business has virtually passed into the possession of the railroads, and a more comprehensive idea of its magnitude may be obtained by considering just a few figures. By the last census the railroads of the United States are valued at thirteen billions of dollars. On January 30, 1902, they had 197,000 miles of track. They employ one million men, an army twice the size of the imperial army with which Bonaparte started from France to Moscow. When it is remembered that our millions of producers must use these great highways in transporting the fruits of their toil to market, it is interesting and alarming to observe the rapidity with which competition is being destroyed, and all the railroads are passing under the control of just a few persons. We have now, it is said, seven groups of railroads with mileage as follows: "Vanderbilt group," 19,894 miles; "Pennsylvania group," 17,697; "Morgan group," 50,607; "Gould-Rockefeller group," 19,133; "group of Harriman, et al.," 22,821; "Moore group," 7,200; "Pierce group," 4,301. Only five years ago these seven groups owned 61,833 miles; now they own 141,563 miles of the total 197,000. Dr. Albert Shaw, editor of the *Review of Reviews*, and probably the ablest and fairest defender of monopoly in America, says, "It is not at all impossible—so swift is the movement nowadays of industrial and financial combination—that all the railroad companies might in the not very distant future be amalgamated into one great corporate whole."

But the point to which special attention is urged relates to the ownership of the transportation business in the United States. Fifty years ago it belonged to the individual American freeman. Today it belongs to monopoly. The corporations which own it are not ordinary corporations. They are practically monopolies. As a rule they have stifled competition and do about as they please, which is the distinguishing characteristic of monopoly. The door of opportunity is virtually closed here to the poor young man. In truth we stand here, though in America, above the grave of individual commercial freedom.

2. Let us now consider for a moment the manufacturing

business, which, when measured by its enormous net earnings, is believed to be more than another fourth of all the business of the country. The last census places its value in round numbers at ten billions of dollars. This is the realm of the trusts. The capitalization of the trusts is in round numbers seven billions of dollars. Their number is 287. With a few exceptions the necessities of life are manufactured by them. The proportion of capital in trusts enjoying tariff protection is 74 per cent, showing beyond cavil that protection is the parent of the trust. Henry O. Havemeyer, president of the Sugar Trust, was right when he declared, "The mother of all trusts is the customs tariff bill. * * * It is the government through its tariff laws, which plunders the people. The trusts, etc., are merely the machinery for doing it."

But as in the transportation business, so here the vital fact to which attention is called is as to the ownership of this immense industry. Fifty years ago the manufacturing business belonged to the American freeman—God's creature. Today it belongs to the trust—man's creature. The door of opportunity is being as completely closed here to the poor young man as it is to him in any line of business which may be conducted in Neptune or Uranus. Ah! how the words of Wendell Phillips ring in our ears as we consider this evidence: "Eternal vigilance is the price of liberty; power is ever stealing from the many to the few. The manna of popular liberty must be gathered each day or it is rotten."

3. We will look now at the evidence as to the business of the distributor, the merchant. And the great trust magnates now say—"Here we shall see individual commercial freedom." If we do, it will be the first seeming star that has shone out of the darkness since we began the statement of the evidence, and many a hapless merchant has recently found this to be an *ignis fatuus*, and not a genuine inhabitant of the skies.

The business of the distributor divides itself into two classes—wholesale and retail. The wholesale business is where the cream is gathered. This vast industry, in all the older centers of population, its usual home, has been centralized into corporations, capitalized in such large sums, that it is practically beyond the reach of the man of moderate means, to say nothing of the ambitious young man, who at some point in life's journey, and in the only calling he understands, would like to be something more than the mere recipient of a good salary.

What does the proof show as to the retail merchant? It shows that his liberty is at best but a *quasi* liberty. He has no

freedom in the purchase of his goods. There are not even two sellers of merchandise between whom he can choose. He must come to the one trust and come on his knees, because he can pay the price set by this solitary tyrant or go home and close his store. I am reliably informed that the trusts have now reached the acme of their untrammelled despotism, in that they are dictating the price at which the merchant shall sell the goods purchased from them. When I made this assertion a few nights ago in a speech, I noticed a most intelligent looking gentleman whom I had seen at the hotel, and taken to be a traveling man, whispering earnestly to the man who sat by him, and I supposed he was controverting my statement. After my address he said to me that he represented a fifteen million dollar trust, but so far as he was individually concerned, I could not score the trusts too strongly. He said that in proof of my assertion he then had in his pocket a written contract made with a merchant not an hour before I commenced my address, in which the merchant had been compelled to bind himself to sell the goods of his trust at stipulated prices. Surely the iron pen of tyranny is exercising cruel and unlimited power when it writes, not only upon the raw material of the ruddy sons of toil the price at which they must sell, but even insists upon writing the price upon the finished product after the trust has received its money and it has become the property of another.

4. We come now to the evidence touching the business of the producer. The majority of those who labor here are farmers. And now the trust owners exclaim, "Beyond peradventure we here have individual industrial freedom." Well, my friends, in a sense we have. The farmer's time and labor are his own. He may rise with the first song of the lark and work till the owl is hooting, but when he comes nowadays to sell the product of his toil and sweat he takes, as a rule, the price placed upon it by the arbitrary will of monopoly. When he comes to buy, from the swaddling clothes in which the new-born babe is wrapped to the old man's shroud and coffin, the extortionate charge of the trust must be paid. Nay, at the close of a speech a few days ago, a monument man said to me: "You did not go far enough. The day has arrived when the marble shaft which marks the aged man's grave must be furnished by the trust."

Such is the evidence as to the condition and trend of affairs in the four great departments of industry in the United States. Yet, as I go about, our State Democrats are continually saying to

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me that we cannot gain another national victory because we have no issue. What grander or more glorious issue could there be than that of insisting upon restoring to our countrymen the God-given industrial rights which have been wrested from them?

With your kind indulgence I wish now to go for a moment far deeper into the evidence. In doing this I hope I will not be misunderstood. I am no demagogue. I am a business Democrat. From my youth up I have been as hard a worker as I have ever known. All my sympathies are with the man who toils with hand or brain.

The right to hold property is a divine right. Without it the Christian home, the nearest place on earth to Heaven, is doomed. When by hard licks the mechanic gains a home for his wife and little ones, it is his. When by the sweat of his brow the farmer accumulates enough to buy 160 acres of land, it is his. When by honest toil an individual accumulates a little money against a rainy day, or to educate his children, or for the exigencies of old age, it is his. Even the Indian recognizes the right of ownership of property when he buries with the dead warrior his pony, his buffalo robes, his bow and his tomahawk. But while this is my position, I wish it expressly understood that I make a vast distinction between those men who accumulate reasonable competencies by honest methods and that rapidly increasing class who amass vast wealth by dishonesty, extortion or governmental aid. It should also be borne in mind that in his practices, at least, the direst enemy beneath the stars to the American home and the individual ownership of property, is the member of the trust. All history proves that liberty depends upon the independence of labor and the ownership of property and when the laborer loses his independence and the property passes from the masses to the classes, freedom is gone and the people are slaves.

But back to the evidence. By the last census the total wealth of all kinds in the United States is placed at seventy-one billions. Mark the startling proof here as to the rapidity with which wealth is passing away from those who create it and into the hands of a comparatively few persons. Fifty years ago it was more evenly distributed in our nation than it had ever been amongst any people on the globe. Today by some statistics recently compiled thirty-six billions of our seventy-one billions of property belong to one hundred and twenty-four thousand people. Forty-five years ago there was one millionaire in America possessing, it was claimed, from one to three millions. Now it is said, there are 4,047, many of

them worth twenty, fifty, and some over a hundred millions. Not many months ago I read in a metropolitan newspaper an editorial having for its caption, "The Advent of the Billionaire," in which the editor proved that John D. Rockefeller was a billionaire, in that his annual income of one hundred millions is five per cent on two billions of dollars. J. P. Morgan is said now to be a billionaire. A poet in the East, who noted the fact that our vast accumulation of wealth, was passing under our present industrial system from the masses who create it, into the possession of just a few persons, as typified by the marvelous financial exploits of J. P. Morgan by land and sea, thus gave vent to his genius:

I came to a mill by the river side,
 A half mile long and nearly as wide,
 With a forest of stacks and an army of men,
 Toiling at furnace and shovel and pen.
 "What a most magnificent plant!" I cried,
 And a man with a smudge on his face replied,
 "It's Morgan's."

I entered a train and rode all day
 On a regal coach and a right of way,
 Which reached its arms all over the land,
 In a system too large to understand.
 "A splendid property this!" I cried,
 And a man with a plate on his hat replied,
 "It's Morgan's."

I sailed on a great ship, trim and true,
 From pennant to keel and cabin to crew,
 And the ship was one of a monster fleet;
 A first-class navy could scarce compete.
 "What a beautiful craft she is!" I cried,
 And a man with akimbo legs replied,
 "It's Morgan's."

I dwelt in a nation filled with pride;
 Her people were many, her lands were wide;
 Her record in war and science and art
 Proved greatness of muscle and mind and heart.
 "What a grand old country it is!" I cried,
 And a man with his chest in the air replied,
 "It's Morgan's."

I went to heaven. The jasper walls
 Towered high and wide, and the golden halls
 Shone bright beyond. But a strange new mark
 Was over the gate—viz: "Private Park."
 "Why, what is the meaning of this," I cried.
 And a saint with livery on replied,
 "It's Morgan's."

I went to the only place left. "I'll take
 A chance on the brimstone lake,
 Or perhaps I may be allowed to sit
 On the griddled floor of the bottomless pit."
 But a leering lout with horns on his face
 Cried out, as he forked me off the place,
 "It's Morgan's."

With this general statement of evidence, I ask your attention to a specific argument against the trust. I wish I could make as knock-down an argument as old Ben made to old Rastus. Two colored divines were arguing the question as to "whedder de postles was white or black." Rastus claimed they were colored. Finally old Ben said, "Now, Brother Rastus, I'se gwine to bring this scussion to a close. I ken prove to you that the 'postles weren't no colored men. Take the postle Peter, for instance. He was no colored man. If he had been a colored man he never would have stood dar in the night time and waited for that rooster to crow the second time. He would have gone to that rooster and fotch him from his roost on de first crow." That was a knock-down argument.

It is well first to get a definition of a trust. Let us take the definition of the Supreme Court of the United States in a trust case, Mr. Justice Peckham rendering the opinion: "*Combinations of capital whose purpose in combining is to control the production or manufacture of any particular article on the market, and by such control dictate the price at which such article shall be sold—the effect being to drive out of business all the small dealers in the commodity and to render the public subject to the decision of the combination as to what price shall be paid for the article.*"

With this definition fixed in our minds, let us first answer the four principal arguments made in favor of the trust. It should be noted in passing that this modern instrumentality of rapacity, this prodigious and covetous-eyed monster, has not failed with all its unbounded resources to bring to its assistance as magnificent ability, genius and learning as America affords.

I. The first argument in favor of the trust is, that it is the natural and inevitable evolution of modern civilization and business progress. I deny this, and the evidence over-whelmingly supports my denial. The memories of my audience are my witnesses. Every man of ordinary intelligence and recollection can testify to the evolution of the trust. After putting to death their smaller rivals these giants looked about them, and saw that they were competing with each other, and to prevent this competition placed their properties in the hands of trustees to be operated in unison for the mutual benefit of all, calling the combination a "trust." The courts declared these combinations illegal, as being in restraint of trade. The operators in a particular industry then ignored their separate charters and came together in one vast

corporation, which still retains the old name of "trust." It is a change in form but not in substance. Every candid and well-informed man must at once admit that this is the evolution of the trust. This first argument then falls to the ground.

It is well to note that when the change was made from trustees to one vast corporation, an Eastern professor, the only one so far as my reading goes, who has shown himself completely subservient to monopoly, exclaimed: "There are no trusts." This is a technical truth, but an actual falsehood.

II. The second argument for the trust is that it brings peace to the business world. When we say to these gentlemen that they are destroying competition, they answer that to be sure they are; that this is what they intend to do. They say that competition in business is commercial warfare, and in the sum total of its ravages scarcely less disastrous to mankind than actual warfare where shot and shell are used, and blood and carnage ensue. They argue that when one business man goes up another goes down. The victory of one is the defeat and oftentimes the humiliation, the ruin and death of another. Under the competitive system they maintain that "the highways of business are strewn with the wrecks of fortunes, of hopes, of families, of homes and of lives." The trust they claim avoids all this. It is the angel of peace.

But the fallacy of this argument lies in the fact that it fails to recognize, that the ball on which we tread is God's world, and that one of the immutable laws which the Almighty has promulgated is the great law of competition. Here are ten sprigs of grass struggling on a given space, twice as many as can be supported. The inexorable law of competition is in force and five survive and five perish. Here is a pool with more minnows than it can nourish, and the law of competition, the survival of the fittest, obtains. As in nature, so with man, even in the sphere of intellectual activity. Who is this sitting here by the midnight lamp competing with his classmates at William and Mary's college? It is Thomas Jefferson, whose espousal of the cause of liberty afterwards thrilled the world. Who is this talking to the waves with pebbles in his mouth, spending months upon the preparation of a single address for the penniless glory of a triumph over his competitor? It is Demosthenes, the most successful orator of whom history gives an account. Who is this sitting at the feet of Gamaliel, competing with his classmates, competing with the ripe scholarship of his time? It is Paul, the most logical intellect of the centuries.

The law of competition, my friends, is the universal law of Jehovah, and the trust cannot repeal it.

III. The third argument for the trust is what is known as the argument for *potential competition*. As a business lawyer this seems to me the veriest twaddle in which learned men ever engaged, and yet I find it running through all the literature in favor of the trust. The doctrine contended for here is that the trust is so justly and scientifically poised that it cannot charge extortionate prices, because, if it did, its profits would be so large that other capital would take note of it and embark in the same business. The fact that other capital would have the power to do this gives the theory its name, *potential competition*. It is claimed that the fear that this power might be exercised, would perpetually prevent the trust from resorting to extortion in its prices (the final discovery of perpetual motion in that the thing would always continue to go without the actual expenditure of any power to keep it going).

This theory is at once exploded by the statement of some facts. 1. Capital is timid. However large, it would never without experience in the business take its chances against capital, just as unlimited and fortified by ample experience. 2. The rule is that all great manufacturing plants have started in a small way. John I. Blair, whom I represented for three years in some personal legal business at Kansas City, and whose successful career in the industrial world was of longer duration than that of any man in America, said to me frequently that he had noticed that this was the rule, and that large beginnings in manufacturing usually resulted in failure. What iron worker with ten thousand dollars is going to start a plant in competition with the steel trust of J. P. Morgan? 3. The trusts sell their stocks upon the assurance that they have a monopoly and can never be injured by competition. In actual practice they falsify the beautiful theories of their learned advocates. 4. But a final quietus is given to this theory when experience is consulted. The truth is, *potential competition* does not materialize, other capital does not embark even when the trust resorts to wide-spread extortion, and accumulates the most fabulous profits. The oldest industrial extortionist in America is the Standard Oil Company. Yet for twenty years "potential competition"—"other capital"—has looked on, without "embarking in the same business," or raising a hand against him, while John D. Rockefeller has pocketed two billions of the net earnings of the toiling masses.

IV. The fourth and last argument worthy of consideration, is that the necessaries of life can be manufactured more cheaply by the trust than without it, and that therefore ordinary humanity requires that it should be encouraged and perpetuated. This upon its face more nearly resembles an argument than anything advanced by the trust advocates. It is controverted, however, by many of our best industrial experts upon the ground that after a plant has reached a certain size, it becomes cumbersome and expensive, and the cost of its output is not lessened but increased. But for our present purpose it may be safely admitted for the sake of the argument that the trust *can make* these articles more cheaply. The cost to these vast monopolies is of no personal consequence to the people. The vital question with them is, *does the trust sell these articles cheaper?* Confessedly by all the evidence it does not. The invariable rule, and to which I have read of no exception, is to raise prices as soon as a trust is formed. I have a farm in Jackson County. Prior to the formation of the trust I paid \$2.50 for barbed wire. Immediately afterwards I paid \$4.00 and \$4.50 to the same merchant for the same grade of wire. This has been the experience of the people in all trust goods. It will ever be so. Saint Paul was right when he said "the love of money is the root of all evil." What blood is to the smell of the lion, money is to the appetite of avarice, and the more he swallows, the more he hungers. With insatiate maw he will ever sit at the till of the trust, crying, "Give! give! give! Dividends! dividends! dividends!" and the marking clerk, knowing that his ravenous employer is in possession of arbitrary power and has no competitor, will continue to mark prices up as long as the laborer has a penny or the widow a mite. Abraham Lincoln was so bitterly opposed to arbitrary power that he exclaimed, "No man is good enough to govern another man." The germ of possibly the most resplendent oration in the English tongue, is the protest of Edmund Bourke against the defense of Warren Hastings that he was clothed with arbitrary power in the East India Company, the first monopoly permitted by the Anglo-Saxon race. The essence of a trust is that it exercises arbitrary power in its charges, and outraged liberty cries out against it.

Having singled out the four principal arguments in favor of the trust and in my poor way made fair, logical and complete answer to them, I now ask your kind attention to a brief argument against the trust.

I. *The trust should be destroyed because it is illegal—it*

is an outlaw. Next to our Christian civilization the noblest heritage of the English-speaking people is the common law. One of the doctrines of this sublime system is, that no combination shall be permitted which is in restraint of trade. As already intimated, with a view of stifling competition, corporations engaged in the same line of business began by placing their plants in the hands of trustees who operated them in unison and divided the profits amongst all the parties interested. These combinations were declared illegal by the courts, usually on the ground that they were in restraint of trade, in a few instances, because they were *ultra vires*, that is, in entering such a combination they went beyond the powers conferred upon them in their charters. Thus routed and disbanded the legal genius of their attorneys attempted to outwit justice and the courts by a superb device. Abandoning their separate charters the various corporations engaged in a common business, came together and procured a charter as one vast corporation. Brought into court, magnificent lawyers contended that there being but the one corporation, it could not be in a combination in restraint of trade. But the courts—notably our own Court of Appeals at St. Louis in what is known as the National Lead case—held that the law was not specially concerned about the intangible creation of a statute, but was endeavoring to restrain the wrongful conduct of men, and that the stockholders, the board of directors, the president, the treasurer and the secretary had formed a combination in restraint of trade, as well as in violation of the anti-trust laws. So that the trust is illegal. It has been so declared by the courts.

II. *The trust should be destroyed because it is against the teachings of science.* No man alive is less enamored than I of that shoddy thing sometimes called “modern science,” and which is ever attempting to overturn all that men have regarded as settled or sacred. But when true science speaks, my hat goes off. My friends, I have recently read a large number of carefully prepared papers, written by college presidents and professors of political economy, representing in the main the great schools of learning in the East. With a single exception—Prof. George Gunton, president of the Institute of Social Economics, New York—each of these learned men built an argument against the trust and most of them denounced it in unmeasured terms.

III. *The trust should be destroyed because it cannot stand the test of logic.* One of the known tests of the logician is what is denominated the *reductio ad absurdum* process—the reducing

of an opponent's position to an absurdity, usually by pushing it to its last extreme. Apply this to the trust. Put all business in trusts. The transportation business is already a monopoly, another name for a trust. The manufacturing business is already substantially in trusts. We will take it for granted that the producers, the farmers and others, have formed trusts, and surely they could as well as miners or railroad employers and one part of them support the other while it held its raw material for fixed prices. Let it be taken for granted also that the distributors, the merchants, have also formed trusts under the rule of mutual support. All business, for the sake of the argument, is in trusts. What now about the favorite argument that the trust can manufacture more cheaply because there being but one buyer and hundreds of competing producers, it can buy the raw material at its own price? There is now but one producer in a given line, the trust, and like the manufacturing trust it is playing despot, has fixed its price and cannot be moved. What about the tyranny of the manufacturing trust toward the merchant when turning to him to sell its goods, it finds him also in a trust with a fixed low bid, which it can take or let its wares moulder in the factory. By this process of reasoning we see at once the absurdity to which we are brought. It would be a struggle of the giants. The wheels of business would be clogged and financial ruin would ensue.

And, my fellow citizens, if there is no other way to rid ourselves of the trust, the true patriot might wish to fight the hosts of Satan with fire—trust against trust. He might think it better too that the conflagration of our commercial institutions which this would produce should come in his own day, for it would be better for him to hope to build again from its ashes, than to live in the prospect of transmitting to his children a heritage of industrial despotism.

IV. *The trust should be destroyed because it is the enemy of the merchant, the laborer and the farmer.* That it is the enemy of the merchant has already been shown. It is equally clear that it is the enemy of the laborer. My laboring friends the great trust magnates now have their arms about your neck professing intense affection. You should remember, however, that not every caress is the caress of love. When Hercules, the heathen giant, went forth to overcome the Nemeian lion, he first tried his bow and arrows and club. When these proved of no avail, he cast them to the ground, and rushing up to the great lion, threw his arms about his shaggy neck and hugged him to death.

sented probably the most shameless spectacle of extortion and ingratitude in the annals of time.

V. *The trust should be destroyed because it is closing the door of opportunity to our young men.* Twenty-five years ago when the finger of destiny seemed to point young ambition to our nation the watchword rang out around the world, "The great republic is opportunity! The great republic is opportunity!" Now, unless the present trend of affairs be checked the day has well nigh come when we may write above our gates, *the great republic is industrial slavery.* As in Rome "in that elder day," so here, the time was when it was better to be a young American, even though penniless, than to be a king. There was no impediment betwixt the poor boy and the blue skies above. *Sic iter ad astra* was his motto, even in the business world, because the track to fortune was as clear as the way to fame. In an open field he fought his industrial battles with his own right hand, owned his own time, possessed his own business, was his own master.

Today the door of opportunity is closed to him in the transportation business. It is closed in the manufacturing business and there is written above it, "No admittance to the poor young man." It still stands somewhat ajar in the business of the distributor and the producer, but as already shown you the majority of those who pass in go to their work much as prisoners go to the rock pile with balls shackled to their feet. The young men of America are as brainy, as muscular, as big-hearted and ambitious as ever, but from sheer necessity a large proportion of them must limit their aspirations to looking for a "good job"—to *go* when some master says *go* and *come* when he says *come*—to be throughout life *some man's man.*

But I must quit this part of my speech. I feel too intensely here to stick to the cold argument which I promised. I have but a parting word at this particular juncture in my message. I look doubtless into the faces of Missouri fathers and mothers. I know not what you may be doing. I have a boy of fourteen summers. Hamilcar led young Hannibal to the altar of the gods, and swore him to eternal hatred of the Romans. So I am striving to lead my boy to the alter of the True God and swear him there to eternal hatred of the trust.

VI. *The trust should be destroyed because it is dishonest.* This is enough if all other objections were deemed unavailing. One of the most heinous offenses, both by moral and divine law, is the crime of extortion. Ethical science can depict no

more despicable character than the extortionist. His business is far more reprehensible than that of the gambler. In the one case the victim is coerced as in robbery. In the other he is a volunteer. As to divine law it is sufficient to say that some of its most terrible anathemas are hurled at the man who extorts, "who grinds the face of the poor," the financial oppressor of the laborer, the widow and the orphan.

The trust is extortion pure and simple. It is organized for this express purpose. The primal object of its being is usually to control some article necessary to human existence or comfort, and then compel those in need of it to pay its price. No better definition of extortion could be given than that of the Supreme Court of the United States in defining trusts, repeated in your hearing at the outset.

But the heinousness of the trust becomes more apparent when we consider the class of persons who are mainly its victims. Even our principal offenders claim to exhibit something of the milk of human kindness in their crimes. The burglar passes the cottage of the mechanic to plunder the home of the opulent. The highwayman may permit the laborer to escape, though he knows he has money on his person, but rifles the pocket of the rich man. The old pirate on the high seas leaves the small craft unmolested, though bearing precious freight, but scuttles the ship of the wealthy merchant. Not so with the trust. It almost passes by the rich, for they scarcely feel its exactions, and pay comparatively but little into its coffers. In the main it collects its unholy booty by laying its iron hand indiscriminately upon the laborer, the poor, the hard-pressed, the needy, the suffering, the widow, the orphan, the sick, the dying and the dead.

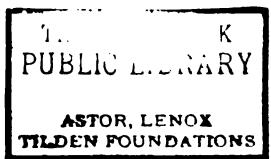
It is well to notice also the stupendous dishonesty in the formation of these trusts. This occurs in the sale of their stocks or bonds—"industrials," as they term them—and is more bitterly denounced in the literature upon the subject than their treatment of the consumer. We know but little of this in the West, but in the East millions of dollars of the hard earnings of the laborer and the middle classes have been invested in the past five years in these industrials upon the assurance that every dollar on their face represented a dollar in actual value. The evidence shows that as a rule for every part of the value there are four parts of water. Take the tin plate trust for instance. The actual value of the properties composing it was ten millions. It is capitalized for fifty millions. If time permitted, the evidence of men who

have assisted in forming these great combinations, could be given, substantiating the above statement as to the rule in capitalization. I think I know the elements of the crime of obtaining money by false pretenses, and I sincerely believe that when these billions of dollars of industrials were placed upon the market and sold, there was perpetrated the most stupendous crime of obtaining money by false pretenses ever committed in the world's history.



ABRAHAM LINCOLN.

"If revolutions are to be measured by the great amount of good they do, and the small amount of harm they do, then the overthrow of the liquor traffic will be the greatest revolution in the history of the world."—ABRAHAM LINCOLN.



THE SALOON

(Argument made in the present (1914) campaign against the Saloon.)

Some kind words as to former addresses:

"I heard Judge William H. Wallace's great argument against the saloon (made in St. Louis in 1908), which should be heard in every part of Missouri. I consider him one of the ablest men in Missouri or of America. I wish that Judge Wallace could speak in every State of our Republic."—Dr. W. B. Palmore (Editor *St. Louis Christian Advocate*.)

"I heard Judge William H. Wallace in the Hall of Representatives at Jefferson City, on the liquor question in answer to the millionaires and brewers of St. Louis. His address was a masterpiece of eloquence, law and logic, absolutely overwhelming and unanswerable. It was, the greatest lecture I ever heard on the subject. Judge Wallace is one of the greatest Christian statesmen in America."—Dr. Ray Palmer (formerly pastor First Baptist Church, Jefferson City, Mo.)

Note: The argument which follows cost the speaker far more labor and research than either the one referred to by Dr. Palmore or the one referred to by Dr. Palmer. In fact it has been his purpose to have the present address represent succinctly the net result of the labor of five years devoted largely to good government and the temperance cause. His aim has been to make it helpful to busy persons without leisure for extended research as well as to those desiring to write an article or deliver an address against the liquor traffic. It answers questions continually being asked him through the mails and otherwise. It is believed that it states the law correctly, gives sound arguments against the saloon and makes reply to all the sophistries resorted to by the advocates of intoxicating liquor. The statistics are not wearisome and yet it is believed are all that are necessary. The figures with reference to the revenue from liquor in Missouri and the tremendous expense of the saloon to the people have not been merely estimated or guessed at. They have been obtained by a long and painstaking examination of public records and documents, aided by the experience of the speaker as a lawyer and an officer. They are accurate. It is believed they can be found collated no where else. Hoping that an address that has cost extended and careful labor may prove useful and helpful, it is herewith printed and submitted to the kind consideration of the public.

THE ARGUMENT.

Ladies and Gentlemen:

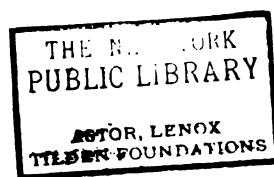
THE maintenance or overthrow of the saloon presents the greatest problem in the history of the Republic. It is a greater problem than that of the tariff or the currency or even that of slavery. Its revenue, on the one hand, is so tremendous, and its waste on the other hand is so much more tremendous, that it overtops all other questions in economics. It goes to the very life of our institutions, for orderly liberty is involved in the issue. In public morals no other problem has ever approached it in importance. Upon its proper solution is largely dependent the perpetuity of the home, the basis of our civilization. Crime is feasting and fattening more and more as the problem remains in abeyance. The Sabbath, God's first institution on earth, hangs in the balance. The provisions of our constitutions and the decisions of our courts, declaring the God of the Bible to be the God of America, are being constantly assailed by the advocates of intoxicating liquor. What our fathers regarded as most sacred and holy, and as such committed to our keeping, will be deeply affected by the outcome.

The magnitude of this problem becomes further apparent when we pause to consider the stupendous proportions to which the saloon has grown and the powerful hold it has secured upon the appetites and habits of thousands of our people. It is true the temperance forces have made marvelous progress in the past few years, but the use of intoxicating liquor is still a colossal evil, and much remains to be done. As showing the magnitude of the problem, your attention is invited to the following figures: There are in the United States 216,144 persons licensed to retail liquor. This does not include, of course, illicit sellers of liquor, of whom no record can be kept. These, it is believed, would swell the number of liquor sellers to 250,000, which is the usual figure at which statisticians place our retailers of intoxicants. The number of gallons of liquor consumed in 1913 was 2,223,420,461. The per capita consumption was 22.68 gallons. Of this 1.50 gallons was spirits (whiskey), .56 gallons was wine and 20.62 gallons was beer. In 1840 the per capita consumption of spirits was 2.52 gallons as against 1.50 gallons in 1913. In 1840 the per



FRANCES E. WILLARD.

"We believe the teachings of science, experience and the Golden Rule combine to testify against the traffic in alcoholic liquors as a drink, and that the homes of America, which are the citadels of patriotism, purity and happiness, have no enemy so relentless as the American saloon."—FRANCES E. WILLARD.



capita consumption of beer was 1.36 gallons as against 20.62 gallons in 1913. This shows the decline of whiskey drinking and the alarming growth of beer drinking in the United States. It also accounts for what might not otherwise be fully explained, namely, the power of the brewers in the debauchery of our politics. The amount of money collected by the revenue department of the United States Government from liquors for the fiscal year ending June 30, 1912, was \$239,660,258.28. The drink bill for the United States is \$1,750,000,000. There was expended in all the States for public schools, in 1910, \$426,250,434, so that the drink bill is a little over four times as great as the total cost of educating all the children in the United States, in the public schools. Stated differently, it would send all the children in the Union to our public schools for four years. It is beyond my ability to figure the food and clothing and comfort and happiness this \$1,750,000,000 would bring to the homes of America. With this preliminary statement intended to fix our minds upon the magnitude of the curse of intoxicating liquor, I am ready to make specific argument against the agency through which it is dispensed, the saloon.

I. To begin with first principles, *the saloon should be destroyed because it is the enemy of the law*. It is an outlaw. It makes no difference that the legislature, for the sake of revenue, licenses the saloon keeper to violate one of the first principles of our jurisprudence, in conducting his business. He is a legalized outlaw. The pirate is no less an outlaw because he bears a license to loot ships on the high seas, provided he will divide the booty with the coast city from which he hails. I am not dealing in declamation or denunciation. I am simply stating plainly a familiar legal doctrine. With cold inexorable logic let us appeal to the law and see if I am not correct.

Our courts, in an unbroken line of decisions, have held that the citizen has no inherent right to sell intoxicating liquors. They say that the farmer, the merchant, the laborer, the professional man, has an inherent right to engage in his chosen occupation, but not so with the dealer in intoxicating liquors. And here we meet the argument constantly made on the streets, in offices, on the stump and in many of our public prints, namely, that the saloon man has as much right to conduct his business as any one else. This is not true. Let us appeal specifically to the law as declared by our tribunals of last resort, and set this argument at rest.

The Supreme Court of Missouri has held for half a century that the citizen has no inherent right to sell intoxicating liquors. See *State vs. Bixham*, 162 Mo., 21. The Missouri Court of Appeals has held the same. See *State ex rel vs. Stiff*, 104 Mo. App. 685. These are leading cases, but there are many others announcing the same principle, and there is no case asserting a different doctrine.

The Supreme Courts of the following States have held that the citizen has no inherent right to sell intoxicating liquors: Indiana, Illinois, South Carolina, Idaho, Colorado, Michigan, Louisiana, Oregon, Iowa, Virginia, Alabama, South Dakota, Arkansas, Delaware, Kansas, Georgia, Pennsylvania, New York (Court of Appeals), North Carolina, New Jersey, Maryland and others. The decisions of the Supreme Court of the United States are in precise harmony with those of the States. It is believed that no court of last resort in the Union has held that the citizen has an inherent right to sell intoxicating liquor. It has been decided by the Supreme Court of the United States that the ordinary occupations are inalienable rights, but that the saloon business is not an inherent or inalienable right. 111 U. S. 746.

How, then, is the outlaw legalized? It is legalized not on any principle of law or justice, but for so much money in hand paid to the State. It is a privilege to do wrong, bought and paid for. It is a license granted by law to break the law, a paradox so illogical and disgusting that it should find no place in the jurisprudence of an enlightened people. The precise ground is being given upon which the courts place it. They hold that if the Legislature chooses, for the sake of collecting revenue, to license the citizen to commit a crime against society, the courts have no right to interfere.

Proceeding step by step in our argument, the question now arises, "Has the State the right to prohibit the manufacture and sale of intoxicating liquor?" The advocates of the saloon contend that it has not. We will examine and see.

Let us first appeal to reason. In doing this it is only necessary to inquire as to the purpose for which government is instituted. John Locke says: "The end of government is the welfare of mankind." Huxley says this is the best and loftiest definition ever given of government. But it does not surpass that of Plato, who says: "The public good is the object of the State." We have seen that our courts uniformly hold that the manufacture and sale of intoxicating liquor is against public morals, and this

is now the verdict of all fair men. Being against public morals, it follows necessarily that it is against "the welfare of mankind," as Locke puts it, or "the public good," as Plato puts it. Hence the State, in furtherance of the very end for which it is created, has a right to prohibit it.

But let us recur again to the specific decisions of our courts. As far back as Austin vs. State, 10 Mo. 591, the Supreme Court of Missouri held that the State has a right to prohibit the sale of intoxicating liquors. All the courts of last resort in our State have held the same in numerous decisions. In the great case of Peter Mugler vs. Kansas, 123 U. S. 623, which was an appeal from a decision of the Supreme Court of Kansas, holding that the State has a right to prohibit the manufacture and sale of intoxicating liquors, it was also held that brewers came within the purview of the Prohibition Amendment of Kansas. So that both reason and the specific decisions of our courts maintain that the State has the right to prohibit the manufacture and sale of intoxicating liquors.

But unfortunately we have in America a wicked school, backed by the millions of the brewers, which defies all law, human and divine. It denounces constitutions, statutes and decisions of courts, ridicules the Decalogue and openly advocates the destruction of the Sabbath. This school teaches the doctrine of "Personal Liberty," which holds that the State has no right to prohibit the manufacture and sale of intoxicating liquors. It will be noted from what has been heretofore said that it specifically defies the decisions of our courts of last resort, in this behalf, including the Supreme Court of the United States. Your kind indulgence is asked while answer is made to this doctrine. In doing this, I may at this point in my address travel over ground traversed in former addresses, for I have found so far as I am concerned, that I cannot improve upon my original argument against this heresy.

It is only necessary to give the history and the fruits of this doctrine, for these alone and of themselves condemn it forever. Some poorly informed persons think the propaganda of "Personal Liberty" is a new and marvelous discovery, and they take hold of it with the same avidity that the men of Athens seized upon "some new thing" in the days of Paul. The truth is, "Personal Liberty" is as old as mankind. John Milton, in his *Paradise Lost*, makes it much older. He refers to an arch-angel named Satan who lived away back in the eternities and who, from his descrip-

tion of him, exactly resembled the leading spokesmen of the brewers in his civic ideas. Satan concluded he would like to drink in the sweets of "Personal Liberty." The laws of the Almighty infringed upon his "personal rights." He determined he would set aside these laws just as the advocates of personal liberty desire to trample all law under foot and be a law unto themselves. He "raised impious war in Heaven." Milton says he was thus disposed of:

"Him the Almighty Power
Hurled headlong flaming from the ethereal sky,
With hideous rain and combustion, down
To bottomless perdition there to dwell
In adamantine chains and penal fire,
Who durst defy the Omnipotent to arms."

If Milton be right, then Hell had its origin in the attempted exercise of "Personal Liberty."

But let us trace this wicked doctrine a little farther down the track of time. Our first parents are in the garden of Eden. "And the Lord God commanded the man, saying of every tree of the garden, 'Thou mayest freely eat: but of the tree of the knowledge of good and evil, thou shalt not eat of it: for in the day thou eatest thereof thou shalt surely die.'" Prohibition pure and simple! Not only so, but it is Prohibition of the kind that causes the advocates of personal liberty, like the priests of Baal, to rant most terribly. It is Prohibition prescribing what shall not be eaten. Then came the same serpent which the horrified victim of delirium tremens imagines he feels crawling over his flesh, and said to the mother of us all: "Thou shalt not surely die: for God doth know that in the day ye eat thereof, then your eyes shall be opened: and ye shall be as gods knowing good and evil." And Adam and Eve in the exercise of the doctrine of "Personal Liberty" ate the prohibited fruit and brought upon us all our woe.

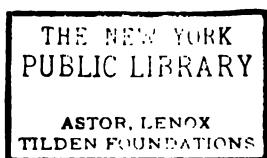
But let us come almost to our times and give another example, taken not from sacred but from profane history. A century and a half ago there lived in France a marvelous genius named Rousseau. He was as gifted as Byron and far more dissolute. He is regarded by some of those who call themselves "liberals" as the father of the doctrine of personal liberty. He taught this lawless propaganda with such magic charm and beauty that the enthusiastic French were carried away with it. His

"PERSONAL LIBERTY'S" FIRST EXPERIENCE.



—Milton

SATAN AND HIS COHORTS HURLED FROM HEAVEN.



great work, the "Social Contract," teaching this doctrine, became the civic textbook of France. "Personal Liberty" "give us personal liberty," rang out everywhere. What came and came at once as the logical result? The French Revolution, that horror of horrors, when historians tell us blood flowed up to the bridle bits—that reddest page in the annals of time, when every thud of the guillotine and every drop of blood that spurted out upon the open air proclaimed the fruitage of the diabolical doctrine of personal liberty. But enough of this anarchistic propaganda. Its history alone and of itself condemns it.

II. The saloon should be prohibited because of the great financial burden which it puts upon the State. For brevity's sake, our argument shall be confined at this point to Missouri, for doubtless what the saloon system does for this State it does for every State which maintains it. In the State-wide prohibition fight in 1910, the brewers flooded Missouri with literature in which it was set forth that the breweries and saloons yielded to city, county and State, a revenue of \$4,200,000 per annum. They are still sending out their figures in their literature and inserting them in advertisements in newspapers.

With great pains, and at the cost of immense labor, I have figured up the total amount which they pay city, county and State, and also the amount they cost the State. The figures are herewith submitted. I believe that twenty-five years' experience as attorney or judge in our criminal courts, and a knowledge of the public institutions of the State, renders me fairly competent to give, from official statistics in my possession, the figures for and against the liquor business. After careful investigation, I find that the liquor interests pay from all sources to city, county and State a total of \$4,502,934.00. This is about \$300,000.00 more than the total given in the arguments and literature with which the brewers have deluged the State. I am certainly fair with them.

I also submit herewith the cost of the breweries and saloons to the State of Missouri. It will be noticed that I usually charge 80 per cent of the cost of crime and pauperism to the breweries and saloons. No statistician, so far as I know, ever figures on a smaller per cent. These statisticians all treat persons in eleemosynary institutions, public hospitals, work houses and poor houses, as paupers; that is, persons being kept at public expense. I figure 80 per cent, except in one instance, when I make it 70 per cent, namely, reform schools for boys and girls, where this per cent is said to be correct by those in charge of those institutions.

My account, then, which no man can deny and which unquestionably must be admitted to be fair, is as follows:

ACCOUNT.

The Breweries and Saloons of Missouri
in account with
The State of Missouri.

CR.

By cash. Received by the State of Missouri from the liquor business
from all sources whatever, by city, county and State.....\$4,502,934.00

DR.

To 80 per cent criminal costs paid by State.....	\$ 242,005.44
“ 80 per cent cost of four State Hospitals.....	570,940.76
“ 80 per cent cost of persons in State Hospitals paid by counties	360,825.34
“ 80 per cent cost in criminal cases paid by counties.....	265,851.71
“ 80 per cent cost of poor not in hospitals paid by counties....	692,544.37
“ 80 per cent cost of penitentiary	90,152.39
“ 70 per cent cost of reform schools for boys and girls.....	102,993.55
“ Beer inspection	11,764.10
“ 80 per cent of judges' salaries while trying criminal cases.....	24,800.00
“ 80 per cent cost of jurors summoned but not called in criminal cases	131,388.00
“ 80 per cent cost of 2,000 policemen and city marshals.....	1,600,000.00
“ 80 per cent cost of criminal courts, not including judges and cost of board of prisoners throughout the State.....	769,394.00
“ 1,000 constables at \$100 each—fees in criminal cases.....	100,000.00
“ 80 per cent expense municipal hospitals of Missouri.....	801,738.52
“ 80 per cent municipal workhouses of Missouri.....	993,946.66
“ 80 per cent poor houses of Missouri.....	201,056.12
	<hr/>
	\$6,958,800.96
Deduct amount received from the liquor business from all sources whatever by the city, county and State.....	4,502,934.00
	<hr/>
Net amount paid by people of the State each year over and above total amount collected for intoxicating liquors.....	\$2,455,866.96

It will be seen, therefore, that the people of the State of Missouri go down into their pockets and pay in taxes every year \$2,455,866.96 over and above the total amount received from all sources for intoxicating liquors.

But this is only a part of the loss sustained each year by the

people of the State by reason of intoxicating liquor. Our best statisticians compute that there are 250,000 places retailing liquor in the United States and that they kill each year all told 110,000 persons. It is easy to figure by taking Missouri's proportion of the population of the United States, that the 4,100 saloons in Missouri kill each year 1,804 persons. Now the present damage law in Missouri provides that where a person is killed by the culpable or criminal negligence of another, there may be recovered for the death of such person not less than \$2,000.00 and not exceeding \$10,000.00. Deaths caused by the saloon undoubtedly come from criminal negligence, and I think the maximum should be applied, but I have chosen the mean between \$2,000.00 and \$10,000.00, namely, \$6,000.00. Multiplying 1,804 by \$6,000.00 gives us the sum of \$10,824,000.00. This is chargeable to the breweries and saloons in Missouri, not as a matter of fancy, but according to what the law itself allows.

But the most stupendous loss which the saloon inflicts upon our State has not yet been mentioned. As already stated, conservative statisticians, by figures which cannot be controverted, place the drink bill of the United States at \$1,750,000,000.00. The population of Missouri is now 3,300,000; that of the United States is estimated to be 95,000,000. So that in population Missouri is one-twenty-ninth of the United States. One-twenty-ninth of \$1,750,000 is, in round numbers, \$60,000,000, which is the annual drink bill of Missouri, or a business of about \$54 a day for each saloon for 312 days in the year. By the settled teachings of medical science this \$60,000,000.00 worth of alcohol does those who consume it no good, leaving out of view the harm it does. It is a dead loss to the individuals and homes and families of Missouri, and hence is a dead loss to the State, which is composed of individuals, homes and families. So that the total loss to the people of Missouri each year from the use of intoxicating liquor is as follows:

By amount paid in taxes each year over and above total revenue received from intoxicating liquor.....	\$ 2,455,866.96
Loss to State by reason of deaths of 1,804 citizens annually.....	10,824,000.00
Amount wasted in Missouri each year by the use of intoxicating liquor	60,000,000.00
 Total loss to the people of the State annually by the use of intoxicating liquor	 \$73,279,866.96

It will be noticed that, at this point in my argument, I have

kept absolutely within the realm of economics. Not the slightest reference has been made to the vast injury which the sale of intoxicating liquor inflicts upon public morals. Only the mind of the Infinite One can make the calculation here.

III. *The saloon should be destroyed because it is the enemy of the human body.* Heaven bless medical science! By dealing with facts and adopting the inductive reasoning of Lord Bacon, how grandly it has come into the realm of certitude. It has made more progress during the past one hundred years than it did during all the centuries between Aesculapius and the discovery of the circulation of the blood by Prof. Harvey. What a benefactor it has become to our race!

Medical science now teaches that intoxicating liquor is the most potent of all the sources of disease and suffering. Let us name some of the leading human maladies of which it is the prolific cause.

1. It was for a long time believed that whiskey was a splendid medicine for tuberculosis. Medical science has now demonstrated that intoxicating liquor is beyond question the greatest prolific cause of consumption. Eminent physicians assert that it produces more consumption than all other causes combined.

2. Next to tuberculosis, epilepsy is one of our most horrible diseases. The ancients called it *Morbus Herculeus*, in recognition of its tremendous power. It is practically incurable and medical science is agreed that the one great producing cause of this awful malady is intoxicating liquor.

3. Medical science now teaches that probably 80 per cent of all insanity is caused by alcoholic drink. Such is the testimony of superintendents of insane asylums.

4. Intoxicating liquor is the most potent of all causes of heredity. Such is now the teaching of medical science. The man whose body is kept only slightly saturated with alcohol, medical science says may transmit to his offspring diseases with which he is not himself afflicted. Henry Smith Williams, M. D., whose magnificent work on alcohol I have just reread, says that we are here reminded of the latter part of the second commandment, namely, "visiting the iniquities of the fathers upon the children unto the third and fourth generation." A hapless lad was born blind and lame. He had heard the other boys romping and laughing, but he had never been able to join them. He had heard of flowers and trees and streams and sun and moon and bending

skies and glittering stars, but he had never seen them. He had felt his mother's touch on his forehead, but he had never beheld her face which he thought must be as sweet as that of an angel. One day the family physician told him that his awful affliction came from the drunkenness of his deceased father. He asked to be led to his father's grave. He spat upon the grave and between his sobs heaped curses upon the man that brought him into being.

5. Medical science also teaches that intoxicating liquor is the most frequent of all sources of other maladies—such as diabetes, Bright's disease, sclerosis, whiskey liver and that torture of all tortures, delirium tremens. How an intelligent man with a heart in his breast can vote for the saloon, with its sad and terrible results all about him, passes comprehension. It would seem that after he had cast the unholy ballot, grim disease, pale-faced and bony-fingered, would haunt him by day and hover like a horrid specter about his couch by night.

IV. *The saloon should be destroyed because it is the great producer of crime.* Never did a myriad of serpents give birth to their hideous offspring more rapidly than our two hundred and fifty thousand dramshops give birth to their crimes. By carefully compiled statistics, 80 per cent of all the crimes committed in the United States are traceable to the saloon. This comprises the usual category: murder, robbery, burglary, forgery, assault, embezzlement, grand and petit larceny, obtaining money by false pretenses, bribery and other offenses against the person or property of the citizen. Taken by themselves, the per cent of our murders is much greater, at least 95 per cent being traceable to intoxicating liquor.

There is a wide spread belief, entertained by many persons, that whiskey causes these crimes while beer is a "comparatively harmless drink." The brewers spend vast sums of money in newspaper advertising, in circulars, tracts, pamphlets and highly embellished posters, in fostering this belief. Based upon this belief, a misguided United States Senator has introduced a resolution in the Senate to submit to the several States an amendment to the Federal Constitution prohibiting the manufacture and sale of whiskey, but permitting the unlimited manufacture and sale of beer. Nothing could be farther from the truth than this unfounded belief. Beer causes at least three crimes where whiskey causes one. Especially is this true of murders. Every fair, experienced officer will bear testimony to this fact. I know from over thirty years' experience about our criminal courts as lawyer or officer,

that it is true. The reason is plain. Beer contains alcohol and, when drunk in sufficient quantities, dethrones reason just as whiskey does. It is cheap. It is now the beverage of the masses. The per capita consumption of whiskey is 1.50 gallons; that of beer 20.62 gallons.

But passing from comparisons, what a saturnalia of crime is caused by intoxicating liquor, especially in the red realm of murder! Judge Butler of Cairo, Illinois, at the close of a murder trial, said: "The case at bar is the 76th murder case I have tried, either as State's attorney or judge, during the past nineteen years. I have kept a careful record of each case, and I have to say that, in seventy-five out of the seventy-six cases, intoxicating liquor was the exciting cause." The testimony of your speaker is the same. As I look back upon my stay upon the Criminal Bench in a great city, a vast panorama splotched with blood rolls before me. Often I see upon memory's canvas the mother dressed in black with streaming eyes, weeping for her boy whose precious blood trickled out upon the floor of a saloon. I see another mother there with her arms about the boy who did the shooting, and who is now on trial. The saloon keeper, too, is there with his diamond in his shirt front, summoned as a witness to the tragedy. But the pictures are too awful. Let's not gaze upon them farther.

Murders were so numerous in Kansas City when I was on the bench—and I presume they are fully as numerous now—that a murder trial was set, as a rule, for every Monday morning. One Monday, I remember, there were five. I tried as many as three murder cases in a week, and more defendants plead guilty than went to trial. Like Judge Butler, I kept watch of these cases and, with one solitary exception, intoxicating liquor was the exciting cause.

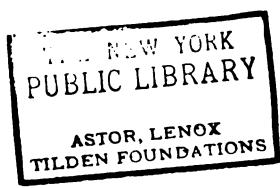
There are other hatcheries of crime, all intimately connected with the saloon, where intoxicating liquor is the dominating force, namely, the gambling den, the pool hall, the house of shame and the disreputable theater. These, along with the saloon, are the principal debauchers of the public morals, and it is here that what are known as immoral misdemeanors are hatched. The drinking glass finds its way to the gambling table, and it is usually while the victim is in his cups that he is robbed. The pool hall has about become the ante-room of the saloon, where thousands of boys take their first drink, bet their first money on a game, and start on their downward career to ruin. There may be exceptions, but as a rule the saloon and the house of shame are twin sisters. It



~~Washington~~

"The memory of the General ~~Washington~~ ^{Washington} is still green."





a double disgrace to the government of the United States that, for so much money in hand paid, it issues a license to the scarlet woman to sell intoxicating liquors, even though it knows her shameless calling. It is not necessary now to discuss the question of placing a decent play upon the stage in a reputable theater. It is disreputable play houses that are now referred to—and unfortunately they seem to be in the majority—where the harpers of Apollo make ribald music while Venus and her attendants dance half nude beneath the somber lights, inflaming the passions of young men and sending them to the house of shame where lust and wine, twin sirens, lure them to the rocks, to shipwreck and ruin.

Now, that in recent years the searchlight of truth has been turned on, the crimes and immoralities of intoxicating liquor are so apparent and so appalling, that the liquor forces no longer attempt any argument in defense. They simply threaten violence if they are further disturbed—violence to business, violence to our institutions, violence with bomb or fagot to the home, violence to the person of temperance advocates, and insult to ladies if they dare oppose them.

Violence was always a poor argument. As the legend runs, Jupiter and a peasant were engaged in a discussion. The peasant got the better of the argument, when Jupiter flew into a rage and threatened him with his thunders. "Ah, Father Jupiter," said the peasant, "I always know when you are wrong, for it is then that you threaten me with your thunders."

V. *The saloon should be prohibited because the citizen cannot afford to support it and thus go into partnership with it in its crimes.* Some of our good citizens who still vote for saloons, or sign petitions for saloon licenses, will doubtless strenuously demur to this declaration. But there is no way for them to escape responsibility. If I should make a motion in this meeting that we select a murderer to go out and assassinate one of your citizens and the motion should carry and the deed be perpetrated, every man who voted for my motion would be just as guilty as the assassin who thrust the dagger or fired the pistol. Just so every man who votes for the saloon system votes for the crimes which he knows the system will produce. Listen to the language of President McKinley: "By legalizing this traffic we agree to share with the liquor seller the responsibilities and evils of his business. Every man who votes for license becomes of necessity a partner to the liquor traffic and all its consequences." Hear the words of Horace Greeley, beloved of all men for his kindly spirit and

toleration and once the nominee of the Democrats for president: "To sell liquor for a livelihood is bad enough, but for a whole community to share the responsibilities and guilt of such a traffic seems a worse bargain than that of Eve or Judas." The latter reference here is far stronger than my reference a moment ago to the supposed employment of an assassin by this audience. It likens the community that licenses the liquor traffic for money to Judas in betraying his Lord to His death, for thirty pieces of silver.

My friends, the logic is inexorable and resistless at this point, and there is no escape from it. By common observation and overwhelming statistics, the saloon is the greatest red handed murderer of modern times, and he who votes for it becomes an accessory before the fact, to its crimes. The lily-white hand of Lady McBeth did not clutch the dagger that pierced the heart of the sleeping Duncan. But she advised and urged the commission of the deed. If the expression may be used, she voted for it. She was an accessory before the fact, and, both in morals and at law, just as guilty as her husband. And when conscience had done its work and remorse had set in, she imagined that she saw a blood-stain on her own hand, and day and night cried aloud: "Out damned spot, out!" Oh, my friend, I pray you, do not violate conscience by voting for the saloon and its crimes. Conscience may slumber now, but it will awake. Beyond cavil it was conscience violated too long to which Jesus referred when He spoke of the worm that never dies.

VI. *The saloon should be destroyed because it debauches our politics and our public service.* Liberty cannot long survive in a free government, after its elections become impure. The first evidence of decay in the fallen republics of the past, was the corruption of the elective franchise. It is a sad and appalling fact that in our times many of the elections in our Republic, especially in our large cities, are notoriously corrupt. No fair, intelligent man any longer denies that the saloon is the principal polluting agency that is producing this lamentable result. It is natural and logical that this should be so. The saloon is the rendezvous of the criminal classes. The saloon-keeper is their idol. In their eyes, to conduct a saloon is the highest honor known to men. Ben Hur was right in his diagnosis, when he turned from his purpose the ruffian hired to assassinate him by offering him enough money to start a big saloon in Rome. When the State licenses a saloon-keeper it commissions a lieutenant in politics. He

believes that, to protect his own business and maintain the liquor traffic, he must work in politics and make his dramshop a political substation to be used by the liquor forces. He drills for action at the polls the dependents and criminals who hang about his place—the bum, the sot, the thug, the thief, the ward-healer, the briber, the pick-pocket, the confidence man and every species of criminal known to the law, for they all congregate at the dramshop. He thus becomes a part of that great instrumentality of venality and corruption, the saloon system, used by the brewers and the demagogues in debauching our elections and perpetuating their power. With unlimited means they scruple not at their methods. Hence the bribery, the ballot-box stuffing, the colonization of voters, the repeating, the intimidation of citizens, the misreading of ballots, the voting of dead men and men from vacant lots, and other crimes perpetrated at our elections.

The debauching influence of the saloon upon our public service is fully as great as that in our elections. A few years ago, in a gratis task, I was placed by the Bar Association of Kansas City at the head of a committee which succeeded in putting a stop to jury bribing in our circuit courts. A powerful corporation with hundreds of suits against it was absolutely denying justice to the poor, the maimed, the widow and the orphan, by downright bribery. It was proven that this great common carrier had upon its pay rolls seven men whose sole work was to bribe witnesses to commit perjury and hire jurors to violate their oaths, and the saloon played its part in practically every crime they committed. After thirty years at the Bar, my testimony is that the saloon is connected in some way with almost every abuse attending the administration of justice.

But the principal injury done the public service by this monster, lies in the fact that it terrorizes hundreds of our officials by its vast political power. I may be permitted to become again a witness and cite a typical case. Before a body of officials authorized to issue dramshop licenses, I recently represented gratuitously a Masonic Temple, where 4,000 Masons assembled, five churches with a membership of over 6,000, over 100 wives and mothers in actual attendance, and three-fourths of the real estate owners in the block, all protesting against the maintenance of a saloon in a residence district where this temple, these churches and numerous homes were located, and yet one saloon keeper had more influence with the Board than all of these magnificent forces com-

bined, and the license was granted. Ah! how hundreds of our officers cower before this strutting Goliath of iniquity.

But I must hurry on. In leaving this branch of the subject, I wish to cite overwhelming proof of the vast injury to the public service resulting from the power and influence of the liquor forces. The boldest, cruelest and most rapacious trust in existence, is the beer trust. The law is its plaything, rapacity is its watchword, and our homes are its victims. Yet, 'midst all the hundreds of prosecutions dissolving and destroying trusts, this beast of monopoly, devouring our boys and polluting our civilization, remains unharmed. The brewer is our greatest criminal, violating more positive statutes than any other malefactor in the land, and yet he is immune to punishment.

VII. The saloon should be destroyed because destruction is the only remedy. It is a continuing, irrepressible evil, and nothing short of annihilation will suffice. We are met here with the favorite argument of the advocates of the saloon—"regulation." But the argument is unsound. It will not stand the test of reason and logic, and is quickly answered.

As we have already seen, the saloon is a criminal—the producer of more crime than all other causes combined. It is axiomatic that, to regulate by law, of necessity implies to legalize. But law cannot legalize crime. Law is enacted for the express purpose of suppressing crime. The moment law legalizes crime its purpose is gone and it ceases to be law. Put differently, the instant law legalizes crime it becomes an accessory before the fact and is a criminal itself. The gulf between crime and law is as impassible as that between Dives in torment, and Lazarus in Abraham's bosom.

VIII. The saloon should be destroyed because it is the enemy of our Christian civilization. In the rush and hurly-burly of modern life, many citizens fail to study our form of government and acquaint themselves with the great fact that our Anglo-Saxon ancestors made Christianity part and parcel of our institutions. Not only does it permeate the three great branches of our government, the legislative, executive and judicial branches, but it is a part of our law. The sages of the common law, our priceless inheritance, Sir Matthew Hale, Sir William Blackstone, and others have so declared, and our courts have followed them. The Supreme Court of Missouri has declared that this is a Christian Common-

wealth. The Supreme Court of the United States has decided that this is a Christian Republic.

Viewed from every standpoint, ours is a Christian civilization. The saloon is bent upon its destruction. Its black-plumed legions, with their red flags, are mustering from ocean to ocean. Time and again in their national war councils, they have openly denounced our Christian civilization. With uplifted hands, wet with the blood of our boys, they have sworn they will destroy it. They have passed resolutions and have published them in the press of the nation, calling upon men to desecrate the Sabbath, and deliberately advising them to trample under foot laws enacted for its protection. Their purpose is to make God's holy Sabbath a holiday, when the church bell shall hush, the song of praise be drowned out by the yells of the drunken procession, and the house of worship give way to the beer garden.

The State, to which the Almighty has given the civil power and charged with the duty of protecting the Church, has proven recreant to its trust, and for money is legalizing the despoilers of our homes and our families, the basis of our civilization. But down the centuries when the State has failed, God has ever called the Church to come to the field of battle, for after all, in the darkest hours and in the bloodiest struggles, it has been the Church and not the State that has borne in the van the flag of liberty and civilization. God is calling now, and the soldiers of the Cross are coming. The white plume of the Man of Galilee is leading. The war between the Church and the saloon is on, unending as that between Rome and Carthage. Ezekiel's vision of the dry bones in the valley shall yet be realized on American soil, when God shall vivify the dry bones of His sleeping warriors, and bone shall come to bone and flesh to flesh till "there shall stand upon their feet an exceeding great army" that shall put to flight forever the hosts of the god of wine.

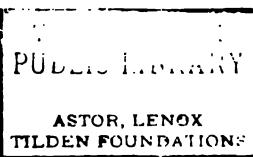
IX. The saloon should be destroyed because it is the enemy of business prosperity. We come now to the last stand made by the advocates of intoxicating liquor. Routed everywhere else, they seek refuge in economics. Their argument is that there can be no business prosperity where the liquor traffic is eliminated. Let us examine this argument briefly but carefully, for upon it rests the last hope of the saloon.

We have seen upon overwhelming evidence that intoxicating liquor produces eighty per cent of all crime. Now that Almighty God, Who presides over the destinies of nations, Who is specifically

recognized in the preamble to the Constitution of Missouri, and whose guidance is invoked in the Declaration of Independence, has never permitted prosperity and crime to go together. All down the ages the nations of this old world of ours have prospered in precise proportion to the virtue of their citizenship. When they have become corrupt and given over to crime they have perished. It is an insult to the truth of history and to an overruling Providence to say that prosperity and crime go hand in hand. "Righteousness exalteth a nation, but sin is a reproach to any people."

But let us arraign this false argument at the bar of observation and experience. I defy any man to point me to a State, county or municipality, where the saloon has been banished, that has not been made more prosperous thereby. The nine prohibition States in the Union are among my witnesses. I have only time to call one of them to the stand, our immediate neighbor and the one we know best, the State of Kansas. Within the recollection of many men now living, this State was regarded as a part of the "Great American Desert," inhabited by coyotes, jack rabbits and prairie dogs. After the Civil War there poured into this Commonwealth rugged, indomitable sober men. In 1880 they passed their prohibitory amendment, which was upheld by Judge Brewer then of the Kansas Supreme Court, and afterwards upheld on appeal, by the Supreme Court of the United States. After thirty-three years of prohibition, Kansas has become one of the great wheat-growing and corn-growing States of the Union. It has in its banks the largest per capita amount of money of any State in the Republic. The white steam of the locomotive is streaming over its plains and up and down its valleys, and the honk of the automobile never ceases on its prairies. It now contains 1,690,949 inhabitants, a happy, prosperous, law-abiding people. Its attorney general, Hon. John S. Dawson, published a few months ago the following statement: "With 105 counties in the State, eighty-seven of them have no insane, fifty have no feeble-minded, ninety-six have no inebriates, and the few we have come from the cities which defied the law to the last. Thirty-eight county poor houses have no inmates, and there is only one pauper to every 3,000 population. In July, 1911, fifty-three jails were empty; sixty-five counties had no prisoners serving sentences. In 1880 when prohibition was adopted Kansas was an exceedingly poor State. In thirty-three years it has become the richest State in the Union, per capita."

In Missouri the cities and towns that have abolished the saloon have been far more prosperous than under the debauching reign





THOMAS JEFFERSON.

"The habit of using ardent spirits by men in office has occasioned more injury to the public, and more trouble to me, than all other sources. And were I to commence my administration again, the first question I would ask a candidate for office would be: 'Does he use ardent spirits?'—THOMAS JEFFERSON.

NOTE: It goes without saying that Mr. Jefferson favored temperance in the private citizen.

of rum. I cite Columbia, Richmond, Liberty, Butler and others.

So much for the specific reasons for the destruction of the saloon. Your attention is now directed to the struggle in which we are engaged at the present time, for the adoption at the polls in the election next November of the County Unit bill. This splendid bill was passed by the last legislature, but the brewers who, with superb hypocrisy, have always declared themselves in favor of the principle of local option, have caused it to be placed upon the ballot under the referendum provision of our Constitution, for the purpose of defeating the will of the people. According to the provision of our Local Option law, all cities and towns above 2,500 vote by themselves, independent of the county in which they are located, as to whether they shall license or refuse to license saloons. By the provisions of the County Unit bill, each county votes as a unit, and the question of license or no license is determined by the majority vote of the whole county, and every village, town or city, regardless of its size, goes with this majority vote. This is local option in its simplest form, each county being the unit.

It is useless to stop to argue the merits of local option. So far as I am concerned, I am in favor of fighting the saloon wherever the flag of temperance is unfurled, whether in the struggle for local option, State-wide Prohibition or National Prohibition. Beyond cavil, however, the one great effective remedy is National Prohibition. Take this glorious Republic of ours out of partnership with the liquor traffic, and the battle is won. My friends, I urge upon you the duty of selecting members of the legislature who will vote for the adoption of an amendment to the Federal Constitution for National Prohibition when it is submitted to the legislatures of the several States. And it will, in my humble judgment, be submitted, and that, too, in the near future, when the required number—thirty-six out of the forty-eight States—will adopt it. If the present House and Senate at Washington City refuse to submit it, the people will elect men who will submit it.

You are also urged to work and vote for the County Unit bill. Beyond question the brewers will spend a vast amount of money to defeat it. Their debauchery of the State-wide Prohibition election in 1910, when they now boast they spent over two million dollars in election thievery, should be a sufficient warning to you as to what they will do at the polls in November.

It is the purpose of this address to answer every contention of the advocates of intoxicating liquor. Therefore, with your

kind indulgence, I now pause long enough to answer the ever-repeated argument that the closing of the saloon makes blind tigers. This false argument, this deliberate deception for the unwary and inexperienced, is answered in a moment, by a bare recital of the facts. The truth is, there are more blind-tigers where we have saloons than where no saloons are permitted. It is my duty to become a witness here myself. When I was on the criminal bench there were 616 saloons in Kansas City and eight in the county outside. Yet blind-tigers abounded everywhere, far more numerously in Kansas City, in the very midst of her saloons, than in the county outside. Under my instructions the grand jury wiped them out of existence. They indicted and destroyed "social clubs," veritable blind-tigers, with a membership of over ten thousand. Recently the circuit attorney of St. Louis gave testimony similar to my own in refusing to invoke injunction against the blind-tigers as a nuisance under a recent decision of our Supreme Court. He gave as his reason that the task was too great to be undertaken—that there were as many blind-tigers—"speak-easies," as he called them—in St. Louis as there were saloons, and St. Louis has 2,300 saloons. Where saloons are licensed, crimes, as a rule, are laid at their door, and the illicit drug store and the "blind-tiger" usually flourish unharmed.

Let us also pause long enough to make reply to the much used argument that the closing of dramshops makes hypocrites. My hearers, let me ask you what force known to this little ball on which we tread produces as many hypocrites as the saloon—the saloon where the blinds are pulled down and the customer, though often a splendid fellow, ashamed to face the world, passes in behind a screen to stifle conscience in the shadows; where many a manly man ceases to be himself and becomes a truant and a hypocrite to his nobler instincts; where many a splendid, lovable boy learns to act the part of a deceiver and a hypocrite to his loving, trusting mother; where wealthy husbands tarry over their cups and cards till God's morning light is about to lift the curtain of the night from their haunts, and then go home to play the hypocrite and deceive their wives as to where they have been; where crime learns to bedeck itself in honest robes, and then play the hypocrite to trusting virtue; where polished thieves learn the art of appearing upright by day, while they steal and rob by night; where gamblers and confidence men study the most approved methods of deceit and hypocrisy, that they may gain the confidence of the unwary and obtain their money; where the bar-tender appropriates

the wages of the man of toil, and then sends him home crazed with drink to play the hypocrite to his marriage vows and beat the mother of his children. Oh, my friends, in the name of truth and common experience, I ask, what instrumentality known to men produces as many hypocrites as the saloon?

Also, by your kind indulgence, permit me to tarry long enough to answer the argument of the brewers, that the per capita consumption of intoxicating liquors has remained practically the same during the past six years, being 22.29 gallons in 1907, and 22.68 gallons in 1913, and hence that nothing has been accomplished by all of our temperance work and agitation. It is astonishing, too, that some of our honest temperance men, bent on making conditions appear as bad as possible, are doing the cause of sobriety and good government tremendous harm by promulgating this same argument.

This is a typical instance of making undeniable figures falsify, by failing to call into requisition observation and common sense. All intelligent men past forty know from ordinary observation that there has been a wonderful decline in the drink habit in the past two decades, among the middle classes who constitute the great bulk of our population. A large part of the Union is under prohibition. Tens of thousands of men in the middle classes have quit drinking. We see this with our eyes, and know it is true. It is just as true as the above figures taken from the United States Revenue Department. How, then, are we to account for this seeming incomprehensible paradox by which the United States figures show us one thing, and our eyes and common sense show us another? The explanation lies in the fact that the figures have been made to give false testimony. Taking our 95,000,000 of people as a whole, the average person does not drink as much as he did ten or twenty years ago. Then it must be that there has been added to our numbers a population who drink so much that they bring up the average. And here we find the explanation and the truth. Let us examine critically, for a moment, for at this point many temperance advocates have been worried and discouraged.

Let us take beer, which constitutes nearly the whole of the intoxicating liquor consumed, by the United States statistics, the gallons of beer per capita being 20.62 out of the whole 22.68 gallons. Now, we have swarming into America every year hundreds of thousands of foreigners, practically every one of whom is a beer drinker. He drinks beer just as the American farmer drinks milk. Every competent man of affairs and observation to whom

I have talked, estimates that this foreigner drinks at least four schooners of beer a day, or one-half gallon. Some of them put it at one gallon. But to be conservative we will put it at one-half gallon, or 182 gallons a year. It will be seen then that this foreigner brings practically eight teetotalers up to the per capita number of gallons, 20.62. Now, from 1908 to 1912 inclusive, there poured into the United States 2,485,277 foreigners, nearly as many people as the thirteen colonies had when they whipped Great Britain. If we deduct 485,277 as women and children who do not drink intoxicants, we have left 2,000,000 beer drinkers who, as every experienced officer knows, swarm our 250,000 dramshops and blind-tigers and bring up 16,000,000 teetotalers to the small per capita of 20.62 gallons, as given by the United States revenue reports. This is my own argument, but I know, from my observation as a man and my experience as an officer, that it is sound. The per capita beer drinking in the United States is kept up by the millions of beer drinking foreigners flocking to our shores.

But why particularize farther. Intoxicating liquor is the curse of curses, the infamy of infamies, the abomination of abominations. It is the blackest, foulest despoiler that ever came down the track of time. It is the relentless foe of the family. It visits the home and drives away cheer and thrift and love; it gives in return gloom and want and hate. It sends the drunken husband to his wife to beat her into insensibility, oftentimes to plunge the dagger to her heart. It causes little children to go pale and hungry. It drives the brightness from their eyes and thins and chills the blood that visits their hearts. It rides upon the winter's blast and laughs as they shiver in their rags. It knows not pity, sympathy or humanity. Rapacity is its only motive, and it sits like a vulture whetting its beak midst poverty, disease and death, ever crying, "Give, give, give!" Tears are its delight, and widow's sobs and orphans' wails its music.

It is the remorseless enemy of the individual. It blasts lofty hopes and shatters laudable ambitions. It lures youths to its unholy temples and offers them as human sacrifices on its gory altars. It breaks the hearts of mothers and brings down the gray hairs of fathers in sorrow to the grave. It marks genius as its victim and shoots it down while in its loftiest flights. It converts the man of thrift into a tramp; the polished gentleman into a coarse and loathsome sot. It is no respecter of persons, and strikes down the prince in his palace and the peasant in his hut. It sows in the human body the seeds of disease and suffering and death.

When all its work of wreck and ruin is done, it leaves to its victim as its only legacy all that is meant by that most awful word in the English tongue, *remorse*.

It is the implacable foe of the State. It poisons the wells and springs of public morals. It divides its blood-money with great governments, and forces them into partnership with it in its crimes. It ridicules good citizenship and scoffs at patriotism. It corrupts officials, suborns witnesses to swear lies and bribes jurors. It invites riot at the polls, pays money for votes, drills repeaters, stuffs ballot boxes, forges returns and steals elections. Its habitation is the resort of lawlessness, the home of the burglar with his tools, the highwayman with his mask, the dynamiter with his bomb and the incendiary with his fagot. It makes night hideous with the cry of murder and reddens our streets with blood. It is the great manufacturer of poverty and crime and fills our jails, our poor-houses and our penitentiaries with its finished product.

It is the arch-enemy of the Church. It hates God and defies His commandments. It ridicules religion and scoffs at Christian manhood and womanhood. It despises the Decalogue and advises men to trample it under foot. It jeers at conscience and laughs at prayer. It hates worship and delights in blasphemy. It loves vice and scorns righteousness. It lures boys to its haunts and derides the holy lessons they learned in the sanctuary and at their mother's knees. It maintains that ours is not a Christian but an infidel Republic, where liberty is license and crime is to go unpunished. It desecrates the Sabbath and strives for the coming of the time when it shall become a holiday—a day of money-getting, when men shall spend the week's wages for drink—a day of hilarity, drunkenness and debauchery. It endeavors to extinguish every light hung down from Heaven.

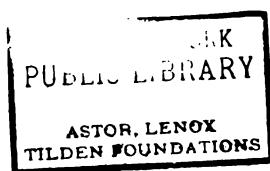
Oh! despoiling, polluting, destroying, intoxicating liquor; vilest, cruelest monster of the centuries, may thy doom be not far away! "Execrable shape," breathing pestilence, crime and suffering, may some iron hand plat a scourge of scorpions and lash thee from our world! Noiseless panther, ever scenting the track of our boys and feasting on their blood, may the crack of the rifle of justice end thee crouching for thy prey! Slimy anaconda, crushing homes in thy embrace and devouring women and children, may the red-hot thunderbolts of Heaven leap down and burn thee into ashes! Hell-dog with rabbies, frothing, biting, poisoning as thou goest, may Perdition open wide its mouth and swallow thee back to thy kennel. Monstrous beast, with the gore of

nations dripping from thy teeth, may God Himself lead thee out into oblivion and cast thee forever into the black abyss of eternal night!



HENRY W. GRADY.

"My friends, hesitate before you vote liquor back into Atlanta, now that it is out. Don't trust it. It is powerful, aggressive, and universal in its attacks. Tonight it enters an humble home to strike the roses from a woman's cheek, and tomorrow it challenges this Republic in the Halls of Congress. Today it strikes the crust from the lips of a starving child and tomorrow levies tribute from the Government itself. There is no cottage in this city humble enough to escape it—no place strong enough to shut it out. Oh, my countrymen, loving God and humanity, do not bring this grand old city again under the dominion of that power."—HENRY W. GRADY.



THE TRUE LAWYER

(Address at the banquet of Missouri State Bar Association, held in St. Louis, Mo.)

AFTER a good many years of attempted speechmaking, I come tonight for the second time to attempt to repeat a speech. Returning to my office three or four days ago, after a short absence in the country, I found on my desk a letter inviting me to be present at this time as one of the recipients of the hospitality of the members of the bar of the majestic city of St. Louis, and requesting me to repeat a toast delivered by me at a bar banquet held at my home city at the mouth of the Kaw, something over three years ago. It so happened that this speech was written out after it was delivered, but I could not recall a single sentence it contained, and a search amongst the rubbish in my office for the purpose of refreshing my memory failed to resurrect it. The hand of one, however, who places a far greater value upon her husband's effusions than he does himself, had laid it away, and while I am not able to repeat the address, in *haec verba*, I can at least comply with your request to the extent of making it the basis of my poor remarks tonight.

Of all the children of men that individual who is the most completely misunderstood and the most thoroughly depreciated, is the true lawyer. Men may indeed admire him for his supposed shrewdness; from necessity they trust him as they do no other human being, but we cannot close our eyes to the fact, that back of all this, due either to ignorance or to a strange and slanderous tradition clinging to our profession, there lurks a widespread popular notion that even the best type of an attorney falls below the average of his fellows in his observance of two of the great cardinal virtues, honesty and truthfulness.

Old Peter Cooper, the noted New York philanthropist, used to delight in telling a story illustrative in part of a popular notion as to the legal profession. Mr. Cooper was acquainted with an old farmer up in New York State who was an astrologer and whose nightly visits to the heavenly bodies revealed a terrible fate for his three sons. The eldest was to be a mendicant, depending on

charity for food and raiment, and without a place to lay his head. The second son was to be a professional murderer, and the third a notorious liar. In great distress the old man divulged the divinations of the stars to an intimate friend, who assured him that his grief was groundless and that the whole matter could easily be arranged. "Let the son," said he, "who is to be a mendicant, study for the ministry, and the tighter he is pinched by poverty, the happier he will be, and the more he will be petted and sympathized with by his hearers. Let the son who is to be a professional murderer study medicine, and then he can kill people *ad libitum*, with no eye to detect and no arm to stay him in his deadly work. And the son who is to be a notorious liar, let him study law, and then the more he eclipses Ananias and Sapphira the more he will be honored and applauded by his fellowmen."

"The true lawyer." Using the word true in its broadest, loftiest signification, does the noble sentiment thus expressed find its incarnation in the person of the legal practitioner? I maintain that it does, and that this personification is proven by the lives and conduct of a large majority of those in the ranks of our profession. Especially is this true of the Missouri Bar, to be a worthy member of which should be the pride and glory of any living man. What, in brief, then, are some of the elements that constitute the true lawyer?

I. To begin with, he must be the possessor of that something of inestimable value, comprehended by the word character. It goes without saying that he shall have mastered the science of his adopted calling, but he must possess something beyond and better and higher than this, before he is entitled to the respect and confidence which he seeks. We sometimes meet in the walks of our profession an attorney who lacking moral worth aptly illustrates the proposition for which I now contend—a man of wonderful mentality, but who holds that all the prowess and excellence of manhood begins and ends in intellect. Who laughs at what ordinary men call heart or metaphysicians denominate the emotions, scoffs at conscience, and claims that the will is the wheel and not the throttle in the human engine; who maintains that this life of ours is an expedition of conquest unimpeded by any boundary line whatever. He is an untiring student, and the leading principles of the law are as familiar to him as the letters of the alphabet. The decisions are at his fingers' ends. To this he has brought vast stores from all other fields of knowledge, until he has come to be

regarded as a prodigy of intellectual power and acquisition. And yet this man in learning's royal family, stately and intrepid as a king, has no business and never comes into court. He is a deserted, solitary monarch, whose domain is bounded by the dingy walls of his own cheerless office. There he sits year after year on the icy throne of reason, with no attendants but his thoughts, and no subjects but his books. No client trusts him, no friend loves or helps him. A man of this type once said to a distinguished attorney in our city, whom we all know and admire, and whom I will call A: "Mr. A, why is it you are rushed almost to death with business, whilst for these fifteen years past I have been at the point of starvation? I am as good a lawyer as you are." "Yes," came the blunt response, "you are probably a better lawyer than I, but you have proclaimed yourself such a cold, calculating rascal that nobody will trust you."

Engaged in a business, the Alpha and Omega of which are comprehended in the word confidence, where the client must sit by dumb and helpless, confiding property, liberty and life to the keeping of another—the true lawyer realizes that he must be the possessor of something more than cold legal knowledge, important as this is, before men will regard him as the worthy recipient of such tremendous trusts. He is a citizen not only of a mental but also of a great moral republic, where right and wrong are free to strive for the supremacy in every thought and in every deed. By his creed, this life of ours is a continuing force, subject in its operation to immutable law, and producing, as we obey or disobey, a continuing series of rewards and punishments. He is thrilled when he does right. He trembles when he does wrong. He recognizes that human existence is a network of human relations and consequent human obligations, and that in the faithful discharge of these obligations, is found not only the highway to the confidence of others, but to happiness for himself, and thus broadened and uplifted, his horizon only ends where the great heart of humanity ceases to beat. He sees that virtue is its own reward, and strives to catch the inspiration that comes from the words, love, sympathy, honesty, truthfulness, duty, responsibility. In short, in a business overtopping all others in the magnitude and sanctity of the trusts reposed, and of necessity exceeding all others in the temptations that impend, he strives to create in his soul, until it becomes himself, that divine essence, that *summum bonum*, that *ultima thule* of human worth, which men call character.

II. The true lawyer is profoundly impressed with the dignity and nobility of his chosen profession. From the multitude of the disputes of men, it follows that his field of labor is the acreage of all other fields combined. In the boundless, infinite expanse of fact, connected with the actual practice of the law, it is for him to explore all realms, to sound all depths, ascend all heights. When he has prepared his case and comes into court, that sublime forum where stately reason is applying law to fact, how splendid his opportunities, how tremendous his responsibilities! It is for the judge to proclaim the cold letter of the law. It is for him to revel in its warmth and spirit. It is for the judge to curb every impulse of fancy. It is for him to pluck every flower, to soar in every sky. It is for the judge to suppress all feeling. It is for him to appeal to every noble power in the heart of man. It is often for the judge to sit mute and motionless when towering wrong, fresh from conquest, struts to and fro in court. It is for him to denounce oppression in all his forms; to hold back the arm of power from his fallen victim; to snatch the beak of rapacity from his bleeding prey; to tear the mask from the brow of guilt, and point the world to his hideous face. Grand, glorious, magnificent profession! Heaven bless the man whose soul is thrilled with its lofty duties. God pity the lawyer to whom it is nothing more than a gymnasium for trickery or an art for making money.

III. The true lawyer has a supreme regard for the judiciary. To him the court room is the civic sanctuary, where law is administered by clean and sacred hands. Where virtue is triumphant and guilt is punished. Where rapacity is stayed, ambition is checked, executives curbed, legislatures restrained, constitutions upheld. Where incense is ever ascending from the altars of right and the candles of liberty never go out. To him the judge is Justice, clothed in flesh and blood; the living conduit, through which there flows and where is warmed and tempered the chilly stream that comes from inviolable law to erring man. To him a being too just for revenge, too pure for venality, too lofty for flattery, too brave for power in any of its forms, too fair to be influenced by favors done to him or his—a fit occupant for the most trying of all earthly places to honor and the easiest to disgrace.

IV. The true lawyer never deserts a client. In the boom days of that young and irrepressible city in which my lot is cast, an un-

couth but honest old country woman, who, it was claimed, had sold her little tract of land lying in the outskirts, and refusing to make a deed had been sued for specific performance, approached me as I ascended the court house steps one day and said, "Is this Bill Wallace?" Said I, "Yes, madam." "Do you ever talk without your mouth being greased?" I replied, "Once in a long while, madam, but it's awful work and I make a terribly poor job of it." It is sometimes the lot of the true lawyer to represent a poor client, poor in purse and poorer in intellectual ability, to relate the facts on the witness stand—a widow or orphan, or cripple maimed for life in the service of his master. On the opposite side of the case is abundant wealth, magnificent counsel, splendid witnesses, superb experts, and all the apparatus and paraphernalia that money can devise for throwing light on their side and casting shadows on his—and when the fight is all ended and he finds that he has been overmatched at every point, and the court against its will sustains a demurrer to the evidence, or the Supreme Court, contrary to its inclination, feels compelled to reverse and remand his case—and the little cruse of oil for greasing the mouth withal is totally exhausted—although he knows in his heart of hearts he is right, the temptation comes with tremendous power, "Let the case go, overwhelming odds are against you, let it go," but he never yields, and it is then that he is lifted to the loftiest pinnacle in the sunlit heights of a sublime profession, and somehow, and from somewhere, he breathes into his soul a divine afflatus, and he forgets himself, forgets that he is without a fee—sympathy is his motive, duty done is his reward, justice is his client, and if the litigation is continued and his life is spared, he will be found fighting in that case when the stars leap headlong from their sockets and the resurrection angel proclaims that time shall be no more.

V. The true lawyer never takes the wrong side of a case, knowing it to be the wrong side. Of course, dependent as he is upon the great law of faith in the statements of others, upon which rests all business and all history, and compelled from necessity to rely upon the *ex parte* statements of his client and witnesses, he often sincerely believes he is right when in fact he is wrong, to say nothing of that large class of cases where truth and error, like lightning in the skies, leap so rapidly from side to side that the paradox is seemingly presented of both parties being right and both being wrong, and judges to whom a decision is often submitted,

frankly admit that they guess at their findings. But during these twenty years that I have striven to practice law, I have often heard it promulgated as one of the tenets of our profession that a lawyer may appear for a party whom he knows to be in the wrong and make the best battle he can for him, in order that in the end justice may be done him in the courts. I deny this. It is impossible in practice and wrong in morals. Honest men pay for legal help, with the distinct understanding that the attorney employed believes their claims to be just and that he can successfully maintain them in the courts. Any lawyer who tries to practice on any other basis will either starve or drift into that trickery and chicanery that disgrace the profession. It is wrong, in *foro conscientiae*. No lawyer, no matter how lofty his object, has a right to stand before a court or jury and contend that that is right, which he knows to be wrong; that that is true which he knows to be false. There are curved lines in the physical, but none in the moral world. Here the rays of truth come straight as sunbeams from the skies, and however beautiful or learned the process, cursed be the prism that deflects them.

In these curious modern times of ours the question is being presented with rapidly increasing frequency, as to whether or not a lawyer may properly appear as the regular representative of a client who is constantly befouling the limpid stream of justice, by suborning witnesses and bribing jurors and other attaches of a court of justice. I have known attorneys whom I admired and loved and whose resplendent moral characters would have shed luster on any calling, who appeared regularly for just such clients, justifying their conduct on the ground that so long as they themselves were in no way *particeps criminis*, they had both the legal and moral right to defend any sort of client in a court of justice. I do not know how you feel on this subject, my brothers, but as for me, far as I fall below the standard I am attempting to erect, I hope and pray that I may live to see the day when the quickened conscience of a noble profession will be such that no attorney will care to pitch his tent so near the verge of crime, and when the true lawyer, no matter how large the retainer laid upon his desk will disdain to stand as the regular representative of the witness buyer and jury fixer in a court of justice.

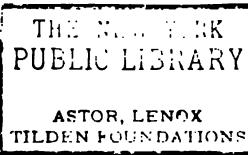
VI. The true lawyer is a searcher for truth. Nineteen hundred years ago a Roman ruler named Pontius Pilot, propounded the question of the ages when he asked the most august Personage

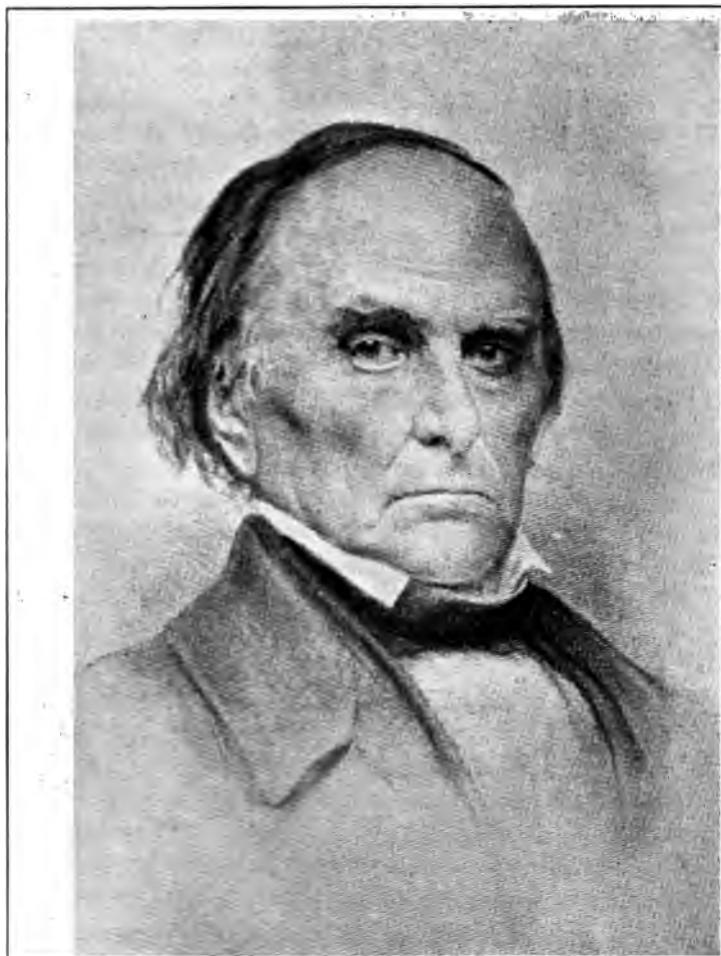
the world has ever beheld, "What is truth?" And all down the centuries the cry has swollen as civilization has advanced, "What is truth?" "What is truth?" "What is truth?" Above all men, the lifework of the lawyer is an investigation for truth, and he so educates and develops himself that he delights in the search, as the fisherman delights in his sport or the hunter in his chase.

In court, his irrepressible impulse is to try his case "on the merits"; to push out into the darkness with his torch and find the truth wherever it is hid. In the jury trial his voice is "away with frivolous objections and exceptions! Away with continual whinings to the court for protection from the blows of the adversary! Away with the needless, glittering technicalities—oftener the white-handled dirks of wrong than the honest weapons of right." If I must take a figure from a business I despise, his voice is "lay down the simple iron rules of the law and then strip truth and error to the waist and let them fight it out."

In the early days in Missouri when the county court had probate jurisdiction, and as such was charged with the trial of persons alleged to be incapable of managing their own affairs, a jury in a neighboring county brought in the following verdict, which an old clerk assures me was duly spread upon the records: "We, the jury, empaneled, sworn and charged to inquire into the insanguinity of Hezekiah Jones, do occur in the affirmative." In most of what I have attempted to say we doubtless all "occur," but there is a vast world outside the office, outside the court, with which the lawyer is inseparably connected, and where his conduct is commended or censured while he lives, and his memory hallowed or despised when he is gone. According to the laws of the ancient Egyptian dynasties, for centuries the ruling civilization of the world, when one of the great monarchs had passed away and his body lay in state, preparatory to being placed in his resplendent mausoleum in the everlasting pyramids, the humblest subject had a right to approach and lay any charge he had against him, which, if proved, he was denied a burial in the tomb of his fathers. The true lawyer so lives that when the end has come, no man can approach his bier and say that he owed him a debt, which he did not struggle to pay, or did him an injury, for which he did not strive to atone. May I not add that sooner or later the resolve will come, that he will not stand unpardoned in that Court of last resort, where the light is too bright for error with his goggled eye; where the doctrine of merger receives its loftiest application and law

and love are merged in mercy; where the clients all plead guilty and the lawyer's "occupation gone."





DANIEL WEBSTER.

"The Sabbath is the bulwark of our liberties, because it is the bulwark of our morality."—DANIEL WEBSTER.

THE SABBATH

Note: The following article was prepared with much care and published a short time after the expiration of the writer's term as judge of the Criminal Court. It gives a true history of the enforcement of the Sunday law at Kansas City for a period of fourteen months, and until the writer left the bench. It also contains, as a result of diligent research during those fourteen months, a complete summary of the law with reference to the observance of Sunday. In America the Sabbath is both a religious and a civic institution, and it is impossible for either minister or layman to properly understand a problem, which, just at this time, is most vitally affecting both Church and State, without knowing what the law is. It is hoped that the statutes, the teachings of the sages of our jurisprudence and decisions of our Courts as herein cited, may be helpful to inquirers who love our Christian civilization and who desire to fight intelligently those who are striving to destroy it.

The Sabbath is the bulwark of our liberties, because it is the bulwark of our morality.—Daniel Webster.

The question of Sabbath observance is for the masses of the people pre-eminently the most important of all questions.—William E. Gladstone.

HISTORY OF THE FIGHT.

THE FIGHT for the observance of Sunday in Kansas City was prosecuted without abatement for fourteen months, and has been given constant though often incorrect notice by the public press throughout the United States. Situated for many years at what was then the extreme edge of metropolitan settlement, Kansas City has known something of tumult, but those who have lived here since it was a trading post for Indians, Mexicans and cowboys say that this was by all odds the fiercest struggle in its history. The writer was the principal object of attack, both in this and in the three years' fight which overthrew the "Missouri Outlaws," probably the shrewdest band of robbers the world has known, and in his judgment the conflict for the Sabbath was the intenser of the two. The outlaw fight was that of a young prosecutor in Kansas City, backed by every officer of the court, by the police force, and, during most of the time, by the State administration. The Sunday fight has been that of the

judge of a Criminal Court, battling single handed and alone with every executive officer of his court and of the Police Department of our city standing neutral or waving the black flag in absolute defiance of the law. The latter was a struggle, too, in which the law was at a peculiar disadvantage, many of its friends, under ordinary circumstances, deserting it at the behest of that most powerful seducer of modern times, Commercialism. For years Sunday had been the best day in the seven for money getting, and they could not find it in their hearts to give it up.

It should be observed, too, that no large city in the Union presented a severer test for the enforced observance of Sunday than our own metropolis. Our imperial young city—long live her wide-awake, enterprising, progressive spirit—possesses as large a proportion of honest, cultured, law-abiding citizens as any municipality on the globe. But while this is true, there still lurks here something of that feeling, at one time considered almost necessary in the West, that every man has the inalienable right to be his own judge as to what is lawful or unlawful, while the marvelous growth of our city, and the vast treasure being yearly poured into her lap, has attracted criminals from every spot beneath the sun. As they flocked to Paris while Napoleon was filling her with his booty; as they followed the eagles to Rome to share the plunder of the Cæsars, so criminals come to Kansas City to swindle or steal or idle or riot midst the honest abundance a region as rich as the valley of the Nile is constantly laying at her feet. But despite the adverse conditions just named Sunday-closing in Kansas City has been a magnificent victory for the law, and has done great good not only here, but also by spreading to the country west and south of us, and to many other parts of the Union. The writer has been repeatedly asked to give an account of this contest, and it is now done for the first time.

The fight was brought on by a charge to the Grand Jury delivered by the writer September 30, 1907, and continued without abatement until he left the bench in December, 1908. After giving the usual instructions as to felonies and misdemeanors, they were told to return indictments for violations of all laws on the statute books, including Section 2243, forbidding the sale of goods on Sunday except articles of immediate necessity, and Section 2240, forbidding labor on Sunday "except the household offices of daily necessity or other works of necessity and charity." These are identical, in substance, with statutes found in most of the States. They had only been enforced, it was said, once before

in the history of our city, and that was when the writer was public prosecutor, more than twenty years before, when the saloons were also closed on Sunday. Their enforcement now would affect more than four thousand business places, more than forty thousand employees and property used for money making on Sunday running up, it was claimed, into several millions. The Grand Jury proceeded at once to return hundreds of indictments against Sunday violators, and they also began, under instructions from the court, what proved in a short time the destruction of hundreds of hatcheries of crime, where liquor was sold illicitly, for no honest judge of a criminal court in a great city will deny that Sunday desecration and drunkenness and crime go hand in hand. The excitement was intense, and both Mammon and Bacchus fought like tigers. No money was spared in whetting their claws, and there was no depth to which they did not crouch. A public meeting of those in favor of "personal liberty" was called where impassioned speakers in fiery language denounced the judge and resolutions were passed excoriating him for his "puritanical crusade." Papers, characterizing him as the enemy of the progress of the city, were widely circulated and signed. Thousands of learned arguments were made far and near, oral and printed, to the effect that his construction of the law was absurd and without a shadow of legal authority to support it, since the days of Cotton Mather and the reign of the "Blue Laws." Warning voices were raised and fingers pointed to the "persecuting fires of religious bigots." Two so-called preachers, talking about the martyrs of religious intolerance, rallied their forces on Sunday. Their sermons were printed and read till the lowest creature in the slums could exclaim, "The Sabbath was made for man and not man for the Sabbath"—till he could vie with the devil in quoting scripture, and could vie with him, too, in misconstruing a passage which simply means that God "made the Sabbath for man" to suit the constitution with which He had impressed him, requiring one day in seven as a day of rest. Denunciatory hand-bills abounded. The judge was cartooned for months in every shape of man or beast. They searched his record from childhood and fell back to the old cry that he was sincere, but he was a fanatic and tyrant. Rapacity furnished the money for a resort to eighteen suits against him, invoking the aid in State and Federal Courts, of the powerful writs of the law, injunction, certiorari, quo warranto against the Grand Jury, prohibition, habeas corpus. Politicians continually promised the everlasting undoing of the

"solitary crusader." For more than a year the mails not only from Kansas City but from almost every large city, from New York and Pittsburgh to Denver and San Francisco, brought secret anonymous missives from assassins evincing a deliberate desire to kill if detection could be avoided, and threatening death by bullet and bomb and faggot and rope, and applying epithets in the vernacular of obscenity and profanity, bitterer and more fiendish than the wished-for victim had supposed could be found or coined in the English tongue. But every drop of humble blood that poured through the veins of the "solitary crusader," and imbued of necessity by the rugged convictions of his ancestors in old Scotland and Pennsylvania and Virginia and Kentucky and Missouri, told him that to show the white feather at such an hour would be worse than death, and he went right ahead. The Grand Jury were faithful to their oaths, and week by week they returned indictments, usually by the hundred, against Sunday violators. Powerful financial and political influences were brought to bear to induce these persons to continue to defy the law, and insurmountable obstacles seemed to obstruct the pathway of justice.

For a time a most potent clamor was directed against the Grand Jury. It was packed, it was said. "Its members were all staunch believers in Christianity," it was charged. The answer was new to a large majority of our people—and to Americans generally—but absolutely conclusive. It was as follows: *The Courts had declared "that Christianity was a part of our law," and it was meet that those charged with its enforcement should be in harmony with it. It would be a crime to place the law in the hands of its enemies.*

It was insisted, too, that the judge had made an illegal body of the Grand Jury by personally selecting its members. But the answer to this was equally conclusive. This had been the custom of the Court, when desired, for thirty years, and our Supreme Court had just affirmed a conviction in a case of murder in the first degree where objection was made to a Grand Jury selected in the same way. At every point in all the eighteen suits every objection to the Grand Jury came to naught.

By all odds, the most serious obstacle encountered was the refusal of those in charge of the police machinery of the State to assist. Kansas City has a police force of over three hundred. The marshal of the Criminal Court has a force of less than twenty. Our statute declares, and our Supreme Court has decided, that policemen are State officers. Their primal duty is to enforce

State laws. It was mainly by an order which the writer obtained from the Police Board that all Sunday violators, including saloon keepers, were suppressed in Kansas City at the time referred to, some twenty years ago, when he was prosecuting attorney. In the fight now being considered he applied personally to each member of the Board for such an order, but without avail. The Grand Jury summoned them several times and in open session urged them to make the order, but without success. Their attitude was a matter of common knowledge throughout the State and was much discussed for several months, but they did not budge from their position.

Probably the position of that portion of our citizenship with which they were aligned should be stated. It was contended that public sentiment was on their side and that public sentiment in a Republic must always control. These were "Blue Laws" which our civilization had outgrown. "They were the dregs of Puritanism." Then they had remained unenforced so long that vested rights involving vast property interests had accrued. They were against "personal liberty." You could not make men good by law. They were against progress and, if enforced, would ruin our city and State.

On our side it was contended that Webster, Gladstone, John Bright, Earl Kairns, Bishop, the illustrious writer on Criminal Law, Sir William Blackstone, Chancellor Kent, Moses and a host of others, together with the Supreme Court of the United States, and the Supreme Court of every State, including the Supreme Court of Missouri, in passing upon the question, were right in declaring in favor of the observance of the Sabbath. It was the laboring man's day of rest—his vested right secured to him by his Creator from the foundation of the world—and justice must punish those who steal it from him. Both natural and revealed religion require it. It is human experience and the Fourth Commandment placed upon the statute book.

It may be stated in this connection that those charged with the enforcement of the law in large cities are nowhere invested with more abundant powers than in Missouri. We have what is known as the Metropolitan Police System, of which the governor, made by our constitution "the conservator of the peace throughout the State," is the head. In establishing the police force in Kansas City he appoints two police commissioners, who obey his orders and by custom are removed at his will. These two, in conjunction with the mayor, constitute the Board, having the

management of the force, and the governor having the majority, is always in control. By the act of the legislature creating the police force for Kansas City, a duty is laid upon the conscience of those having charge of this body of men which is not imposed by explicit language upon any other officers of the State, namely, "to see that all laws relating to the observance of Sunday are enforced." In another section policemen are empowered and required to arrest on view and without warrant, when the offender is discovered in the act. It is clear that by the enforcement of this law no man can conduct a place of business and openly commit a continuing offense in Kansas City. But abundant as were their powers I failed and the Grand Jury failed to obtain an order from this Police Board, with their three hundred policemen, to enforce the law. It seemed to make no difference with them that the very act of the legislature creating the Police Board of Kansas City, specifically required them to see that all laws relating to the observance of Sunday are enforced.

But back to the facts. Failing to obtain the aid of the police force, the only recourse left was to rely on the marshal of the court with less than twenty deputies, a force too small to enforce the law by arresting on view. This officer, though besought by the bosses in his party to refuse, declared that he believed it his duty to obey the orders of the Court, and the work began in earnest. Under instructions from the Court the Grand Jury returned indictments against grocerymen, butchers, dry goods merchants and others for selling goods on Sunday, and against barbers, theatrical managers, keepers of billiard and pool halls and others for working on Sunday. The 616 saloons of the city had been closed instanter on Sunday some months before by the order of the then governor to the Police Board, by the simple exercise of the right "to arrest on view and without warrant." The Grand Jury were instructed now to except the sale of all articles of necessity and all works of necessity and charity and to enforce the law with broad liberality and with due reference to the requirements of our advanced civilization. There were excepted druggists, milkmen, icemen, fruit stands and stands for drinks not intoxicating, persons engaged in the transportation business, telegraph and telephone business, restaurants, hotels, bakeries, persons engaging in sports not demoralizing *per se*, parks where no theatricals are engaged in or intoxicants sold. No legitimate desire of mind or body was to be denied. The charge of the Sunday money-

makers that intolerance was exercised is absolutely false. The following was the result:

At the end of a fight of three months, reaching the Supreme Court, the billiard and pool halls with which the city abounded and which destroy more boys on Sunday than any other instrumentality, gave up the contest. Not one was open in the city on Sunday. The five hundred barber shops were closed. Of the eight hundred grocery stores, all were closed except a few whose proprietors claimed to observe some other day as Sunday, which the law permitted. Of the thousands of merchants, all closed except a very few making this claim as to observing some other day. Labor had ceased until more than forty thousand delighted employees, hitherto compelled to work on Sunday, enjoyed one day in seven as a day of rest. The Sunday theaters, numbering probably over thirty, one of the crying evils of our times, were the only exception to the complete triumph of the law, and they were reduced to four in number, backed by unlimited capital and resorting to every expedient for delay. All they desired, their lawyers said, was a test case for the Supreme Court, but when finally convicted, they paid their fines when only a few dollars would have secured an appeal—thus not only confessing their guilt, but also that the court was right.

But although the struggle for the law was practically won, a great discouragement was in store. At the end of about eleven months the Prosecuting Attorney, a man of fine ability, refused to proceed further in the fight. The marshal who had stood so splendidly by the Court was reported in all the papers as saying that he thought the contest had gone far enough. Presuming the Court was helpless, public clamor was aroused afresh. Many rushed up to get a kick at a man supposed to be permanently down, scores of his friends deserted him and hundreds who had closed opened again. It looked pretty dark for "the religious bigot." In this emergency the Court appointed a special prosecutor, who went into the contest with his whole heart and did magnificent work. The writer obtained instructions to the police requiring them to report the names of all persons violating the Sunday laws to the Grand Jury. It fell infinitely short of the all efficient plan of laying the iron hand of the law on the offender by "arresting on view," but the police obeyed the order, and it did great good. The lost ground was more than regained. By the aid of another Grand Jury on the last Sunday of my occupancy of the bench in December, out of 800 grocery stores, less

than a dozen insignificant concerns were open. The 500 barber shops were all closed. Every billiard and pool hall was closed and other places in like proportion. The law had triumphed and it was estimated now that more than fifty thousand employees who had hitherto worked on Sunday were resting one day in seven.

Some of the results from this fight may be stated as follows:

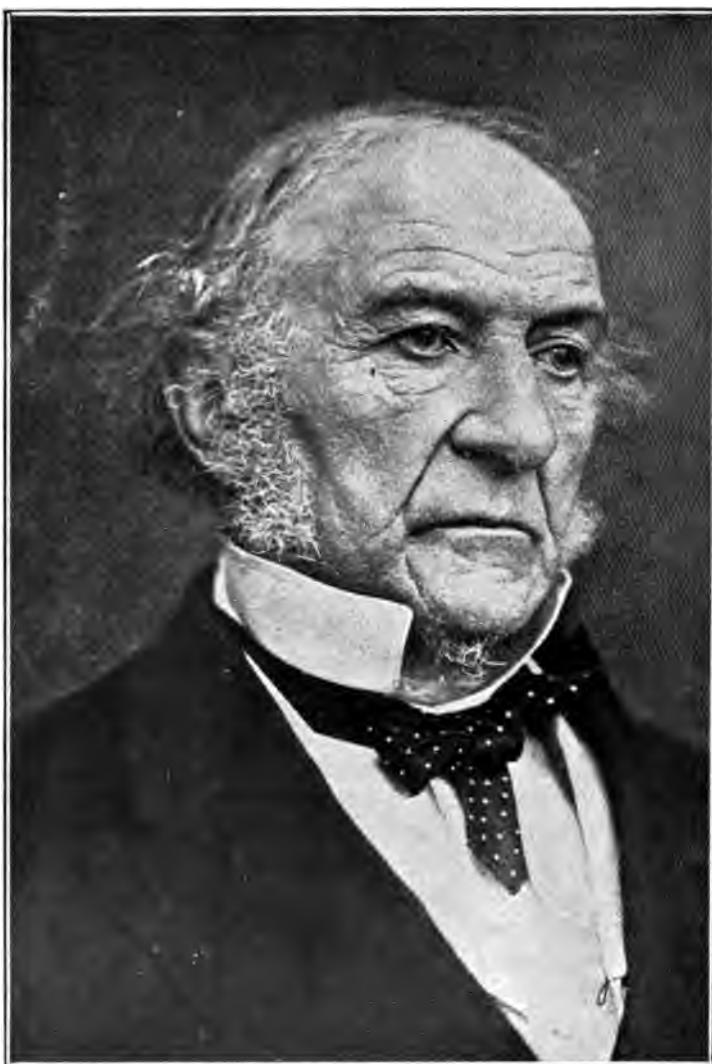
1. It completely changed public opinion. At the outset the Court's construction of the law was hooted at by thousands, for virtually no one had examined it. Now the most blatant Sunday desecrator admits that the Court was right. Even their lawyers openly admit it, and if there can be found those with courage enough to keep up the fight, public sentiment will rapidly follow public opinion, for in patriotic America right feeling on public questions swiftly follows right thinking.

2. The fight helped instead of retarding the material growth of the city. At the beginning of this contest a large company of bankers and capitalists voiced the sentiment of commercialism by roundly criticising the judge—he was absolutely ruining the city. Capital would be driven away. Seven days' work was indispensable if this young giantess of the West was to keep pace with her rivals in the race for supremacy. What a set of false prophets! Business was never so good. Rents advanced. Real estate reached its highest mark, \$6,000 a foot. More new banks were started and more factories located than during any similar period. Practically every sky-scraper we have now (1909) was built during these fourteen months. Trolley lines were projected. Laborers built more houses and more splendid residences rose along our boulevards than during any like period of time. Sunday closing alone did not do all this, but it helped. It was proven that our motto, "Make Kansas City a good place to live in," is at least as potent in the moral as in the physical world. Not only honesty, but morality, is the best policy.

3. It is proven that there is no city in America where the Sunday law cannot be enforced. If one humble judge misrepresented, vilified, constantly threatened with assassination, and attempted to be thwarted and obstructed at every turn, could enforce it for fourteen months in Kansas City, it can be enforced anywhere. He won all the eighteen suits brought by the law-breakers save one, and that went not to the merits, but merely to a matter of practice, and he then had three out of the seven Supreme Judges.

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WILLIAM E. GLADSTONE.

"The question of Sabbath observance is for the masses of the people pre-eminently the most important of all questions."—WILLIAM E. GLADSTONE.

"The saloon is a curse, which inflicts more and greater calamities upon the world, than the three historic scourges of war, pestilence and famine combined."—WILLIAM E. GLADSTONE.

It is proper that the whole truth should be told. A change has come, those who style themselves "liberals," say for the better, others, including thousands who were "liberals" a year ago, say for the worse. The Sabbath is now more shamelessly desecrated than at any time in the history of our city. Sunday is now by all odds the worst day in the week. It is rapidly becoming a holiday for crime. Criminals are rioting. The soldiers of Titus were not happier when they sacked the temple. Conscience is taking hold of law-abiding, patriotic "liberals," and they are standing in amazement. They see that as like begets like, so crime begets crime, and that, constantly taught that they can break some laws, men logically conclude they may break all laws. Meanwhile, no officer is raising his finger against the Sunday desecrator. The police no longer even report offenders. With their superiors and the officers of our courts they simply gaze in silence at the debauchery of the Fourth Commandment placed upon our Statutes as the law of the land.

But the people themselves are beginning to act. At the first, 90 per cent of the barbers were against the Sunday law. Now 95 per cent favor it, and petitions signed by hundreds are being presented to officers, urging them to enforce it again. A permanent organization has just been effected in our city for the enforcement of the law as to grocerymen, 95 per cent of whom now favor it. Clergymen are again being urged to raise their voices constantly for the Sabbath. The laborer and the churchman are at last getting together. The American people will yet grasp the great truth thundered by Webster, "The Sabbath is the bulwark of our liberties, because it is the bulwark of our morality."

WHAT OUR SUNDAY LAW IS.

Our best business and professional men, not excepting our best lawyers, have given this subject so little attention, that now that the Sabbath is becoming a national issue, it may be well to state tersely what the Sunday law is as declared by our Federal and State courts. All patriotic citizens, and especially the magnificent clergy, ought to give the legal side of this great question the very closest investigation. Here lies a two-edged sword that can be unsheathed and used with resistless effect. Here is an argument that no man can answer. By a multitude of judicial decisions to which able attorneys for Sabbath desecra-

tors in Kansas City, in a search of more than a year, have not been able to find an exception, by Sunday statutes held constitutional throughout the Union, the law not only recognizes, but is pledged to protect the Christian Sabbath. When this is shown to the law-abiding citizen, the controversy is ended. There is but one answer, and that is outside the pale of civilization. It is the answer of the anarchist, "Away with the law; defy it; spit on it; trample it under foot."

Referring for a moment to first principles, it is to be observed that one of the rocks upon which rests our Sunday laws, is the great basic truth that Christianity is a part of our law. The logic is resistless at this point. Sunday is a part of our Christianity and Christianity is a part of our law. So that in enforcing the observance of Sunday, the law is simply enforcing itself. It is not going outside of itself and showing partiality for some religious belief alien to itself, as if it enforced obedience to an institution of Buddhism or Confucianism or of the mythological religions of Greece or Rome. It is protecting the Sabbath on the same principle that a man protects one of the members of his own body. Recurring to Webster, it is maintaining "the bulwark of our liberties."

The sages of the law, including Sir Matthew Hale, Sir William Blackstone and Lord Mansfield, state specifically that Christianity is a part of the Common Law which we take such pride in, saying we have inherited it from the mother country. Our decisions, Federal and State, are equally as specific. Space permits the citation of only a few. The first is from the greatest judicial tribunal on the globe. It is *Church of the Holy Trinity vs. United States*, 143 U. S. Supreme Court Reports, 457. In this great case Justice Brewer, after quoting at length the authorities proving that ours is a Christian civilization, says: "There is no dissonance in these declarations. There is a universal language pervading them all, having one meaning: they affirm and reaffirm that this is a religious nation." Further on he says, "This is a Christian nation." Still further on, quoting from the leading Sunday case in America, he says: "And in *People vs. Ruggles*, 8 Johns 290, 294, 295, Chancellor Kent, the great commentator on American Law, speaking as Chief Justice of the Supreme Court of New York, said, 'The people of this State in common with the people of this country profess the general doctrine of Christianity as the rule of their faith and practice.'" The decisions of the State courts are to the same effect. In *Updegraph vs. Commonwealth*, 11 S. and R. 894,

400, it was said: "Christianity, general Christianity, is and always has been a part of the Common Law of Pennsylvania." This language was approved by the United States Supreme Court in *Vidah vs. Girard's Executors*, 2 How. 127, 198. As far west as New Mexico, and as late as 1896, it was said that this was a Christian nation: *Cortesy vs. Territory*, 6 New Mexico 682. In *State vs. Ambs*, 20 Mo., 214, often cited by other appellate courts, it was said: "Our constitution was framed for a people professing Christianity." It may be observed just here that our American decisions and constitutions expressly disclaim any union of Church and State. The law is as far from supporting Christianity as it is from supporting the family, although it recognizes the family and enforces the obligations existing between husband and wife and parent and child.

But proceeding logically and going to the bottom, it is proper to observe that the bed rock upon which rests the Sabbath, is the cardinal truth, that while the law recognizes Sunday both as a day of rest and of worship, primarily it was a day of rest only and was in the beginning set aside absolutely independently of Christianity—indeed, before sin had entered the world or Christianity existed. By divine example the Almighty set aside the day by resting thereon and hallowing it. This answers all arguments that the Sabbath had its origin alone with Christianity and is enforced at the dictation of the Church. It is the necessary day of rest for the man who labors, and a wise and humane law would enforce it as such if there were no church. This is the truth which should be used above all others by the friends of Sunday. It silences every foe.

It may be permissible to say just here, that communications, some of them of great length, have been received from different parts of the Union challenging the writer to debate, some affirming that Saturday and others that Monday and not Sunday, is the proper day. This question is not open for discussion. The law names "the first day of the week commonly called Sunday," and that ends the controversy. For a typical case giving the reason for the selection, see *Bloom vs. Richards*, 2 Ohio State 387, 391, in which Judge Thurman says: "It was within the constitutional competency for the general assembly to require this cessation of labor and to name the day of rest. It did so by the act referred to, and in accordance with the feelings of a majority of the people, the Christian Sabbath was very properly selected."

The Sunday decisions in America are legion, all to the same

effect. The following epitome of a few may suffice. In a leading New York case, Chancellor Kent says: "The statute for preventing immorality consecrates the first day of the week as holy time." People vs. Ruggles, 8 Johns 290. In Iowa Sunday "is sacred, set apart for rest by the voice of wisdom, experience and necessity." Davis vs. Fish, 1 Green 406. In Pennsylvania it is held that "the day is clothed with peculiar sanctity." Jeandelle's case, 3 Phil. 509. In Georgia the Court says: "All courts should abstain from the transaction of ordinary business on this *holy day*." Gohlston vs. Gohlston, 31 Ga., 625. In Massachusetts the reason for separating the day as a "holy" one is the fact that the legislative power has exacted the observance of it as such. Pearce vs. Atwood, 13 Mass., 324. Judge Robinson, one of Kentucky's greatest judges, speaks of the law in his State as "the statute consecrating the Sabbath." Moore vs. Hogan, 2 Duv. 437. In another leading case in New York, Judge Allen says: "It does not detract from the moral or legal sanction of the law of the State that it conforms to the law of God, as that law is recognized by a great majority of the people." Lindenmuller's case, 33 Barb. 548. Again it has been said in Iowa that Sunday has been "established by law, both human and divine, for public worship and private devotion—a time-honored and heaven-appointed institution." Davis vs. Fish, 1 Green 406. In Maryland the Court says: "The Sabbath is emphatically a day of rest, and the day of rest is the Lord's Day or Christian Sunday. Ours is a Christian community." Kilgour vs. Mills, 6 G. etc., J. 268. Nor did the courts of the past go farther in upholding the Sabbath than the courts of the present. In City of Topeka vs. Crawford, the Supreme Court of Kansas, in an opinion handed down July 3, 1908, has affirmed the lower court, holding that a theatrical manager who conducted his theater on Sunday violated an ordinance copied from the Missouri statute forbidding labor on Sunday. Pacific Reporter, Vol. 96, No. 7, p. 862. This Kansas case cites and approves Quarles vs. State, 55 Ark. 10, affirming the conviction of Quarles for labor performed as a seller of tickets in a theater on Sunday, under a similar statute. The Missouri Court of Appeals at St. Louis, on Jan. 7, 1908, in affirming the conviction of a barber for laboring on Sunday, uses as strong language as can be found in any of the books, when it speaks of "the rights of conscience sought to be vouchsafed (by our Sunday laws) to those God-fearing and Christian people who have

laid the architrave, builded the superstructure and now maintain the edifice of our higher civilization."

Such startling and unexpected statements have been recently made by a number of theatrical managers in New York City as to the "wickedness" and "filth" of the modern theater, that a word may be added before this article is closed, by one in whose court for fourteen months once a week were arraigned not only the managers, but the employees embracing, during this period, a large per cent of the actors, actresses and chorus girls of America. This was probably the longest period in the history of the American stage, when actors and actresses, laying aside their regalia, emerged from behind the scenes, and appearing as "their natural selves" stood before the public, and most any man could probably draw some useful conclusions from what he heard and saw. The first is that while these persons appear by no means as degenerate as they are sometimes pictured, yet if the plays which employers, in order to make money, compel them to present are as "filthy" and "wicked" as these New York managers depict them, then, beyond cavil, they are not good enough for Sunday. In fact, no play presented for money is good enough for Sunday, in the eyes of the law. This is apparent, not only legally but morally, when we consider the kind of plays actually presented. In the lower class of theaters—greatly in the majority on Sunday—the gist of the performance consists in unteaching girls what virtuous mothers have taught them and in dressing Venus in tights to dance young men to perdition. In the higher class of theaters a Sunday performance is the turning of a day intended as a day of rest or on which the soul finds its sublimest ecstasy in seeking its Creator as the eagle seeks the sun, into a day of hilarity, ribaldry and revelry. This is condemned even from a cold legal standpoint, because it is conducting a business for money. But a most practical and important fact I learned was the cruel inhumanity of these managers and the Theatrical Trust to these actors and actresses. Their tired, often pale, faces showed they were the most overworked people on the globe. And the facts attest that more of them break down under the awful strain than in any other department of labor. But they must work on Sunday, the best day for money getting, or lose their places. During the entire period, I do not believe an unkind look ever came from a performer to the judge. As one of them said, "Our lips are sealed, but our prayer is that the judge may succeed." It is to our shame that we talk so much about laws to prevent cruelty to

animals and are opposed to enforcing Sunday laws intended to protect men and women of our own flesh and blood from the cruelty of human greed. The appetite for pleasure is the cruellest monster the world has known. As in the amphitheater in old Rome, the populace refused oftentimes to stay the bloody hand of the slayer, so now "not a thumb is reversed" while these men and women are being worked to death.

As the above article is about to be printed in this book—May, 1914—I desire to add that the statements still sometimes appearing in print to the effect that the Sunday law was not successfully enforced in Kansas City, are absolutely false. The law was successfully enforced. The one bare insignificant exception was in the case of four Sunday theaters, and those conducting them were tried and convicted and paid their fines. In every solitary instance the law triumphed. History does not furnish an instance where the facts have been more deliberately and maliciously misrepresented and perverted than with reference to the enforcement of the Sunday law in Kansas City.

I wish also to state that while Christians and other good citizens who love our laws and our institutions are thinking upon their rights, criminals and Sunday desecrators here are again treading the law under foot and working diligently for the total destruction of our day of worship and rest. The Sabbath was never in such jeopardy as at the present time. While I am writing these lines initiative petitions are being circulated throughout Missouri for the enactment of a statute turning one-half of the Sabbath day over to the open debauchery of the saloon. If this movement should fail them, it is said the purpose is by the use of money and election thievery to elect a Legislature which will enact such a law. The enemies of our Christian Republic are at work everywhere. Beyond cavil, the Sabbath is already greatly impaired.

THE DUTIES OF THE HOUR

Address before the Literary Societies of the Missouri State University as it appeared in the Columbia *Herald*.

(Editorial Comment of the *Herald*.)

On Wednesday evening immediately after the address before the alumni, Hon. W. H. Wallace, of Kansas City, delivered the address before the Athenæan and Union Literary Societies. For over an hour and a half, without notes, he held the audience spell-bound by the magical power of an address of extraordinary eloquence. Mr. Wallace has long been eminent as an attorney and public man, having been prosecuting attorney of Jackson County for several years and a candidate for Congress, and the fame of his ability as an orator has become as wide as the State; but the public was hardly prepared to expect such a remarkable display of power as a lecturer upon a literary subject. His style of oratory possesses much of the vehemence and dramatic qualities of Marshall or Prentiss and the expenditure of nervous energy is prodigious. We publish in this paper a *verbatim* report of the address.

Young Gentlemen of the Athenæan and Union Literary Societies:

When I accepted your invitation to deliver the annual address before the literary societies at the chief seat of learning of the State of Missouri, I did so with such profound sense of the honor conferred on me, that I resolved to do what I had not done before in twelve years, namely, to write out my speech from beginning to end, and deliver it from the manuscript, thus complying with what, I am told, is becoming the inexorable custom for occasions like this. One duty after another, however, has pressed upon me until I find myself standing before you tonight very much as a lawyer stands before a jury, at the end of a long case in court, and compelled to ask their patience and forbearance, in attempting to follow him in such line of thought and form of expression as he has been enabled to blaze out before him in leisure moments, snatched from the work and wrangle of the trial. Inasmuch, too, as in this instance, you have called your speaker, not from literary walks or halls of learning and culture, as you doubtless usually

do, but from out the dust and clatter of the great workshop of business life, it is trusted you will be content with a plain, practical discourse. The subject I have chosen is,

“THE DUTIES OF THE HOUR.”

My object is to enumerate and to urge upon you some of the special and imperative duties now devolving upon young men in that great conflict of life, in which you yourselves are so soon to take part. Lest you may think this subject, of necessity, inflicts upon you a lecture applicable to the moral world, rather than an address applicable to the practical world, as intimated, I desire to assure you that such is by no means intended, nor does this necessarily follow; for, I beg leave to remind you, that, when viewed from that lofty plane on which it was intended that every man with a proper regard for the grandeur of his being should tread, the moral and practical world are one and the same. Under the purer lights even of earthly truth there is no such thing as separating a man's duty from a man's work. They are one and indivisible, making up that thing we call life, and being more closely commingled, the one with the other, than the oxygen and the nitrogen in the air we breathe. Nevertheless, in order that you may look upon what I shall say purely from a selfish standpoint, you, in the outset, to name no topic which, in the strictest sense, is not a living, practical issue, and to urge upon you no duty, in the performance of which shall not be found the gratification of the three great cardinal desires written upon the helmet of every young man, when he goes forth to the battle of life, to-wit: Honour, Happiness, Emolument. It should be frankly confessed, however, that while you may look thus at the bare arrangement, the right will be claimed, as we go along, to appeal, in the main, to the better and to the more unselfish part of your natures, and I wish it distinctly understood that all I shall say will be uttered in a firm belief in the dignity, and earnestness, and nobility of human life; in a firm belief that, however solemn a thing it may be, in the hour of death, to plunge at one leap into the Great Beyond, it is a still more solemn thing to fight our way through the life that now is; in a firm belief that, out of all created intelligences, that being tossed forth into the fiercest struggle, charged with the most terrific responsibilities, and lured upward with promise of attainment to the loftiest heights, has been named man.

If there are those young men, who hear me, who look upon human life as simply a plaything; who have learned to believe that man is born merely to roam upon the earth for a few years, with his head downward, grazing about here and there, simply in the gratification of physical desires, and then to die like a brute to be forgotten—young men who, as they now look forward to that vast conflict, for which they are being here prepared, feel no high and proper ambitions leaping and bounding within their breasts, and hear no shrill-tongued trumpets of coming glory sounding in their ears, then, confessedly, much that will be said will be meaningless to them, and, indeed, illogical, founded, as it will be, on a false premise.

Our duties grow out of our obligations. These are three-fold: 1. Our obligations to ourselves. 2. Our obligations to the world. 3. Our obligations to the Great Author of our being. This last presents a theme too holy for a tongue like mine, and I leave it to those, the latchet of whose shoes I am not worthy to unloose. The first two suggest two general inquiries to be briefly considered before we begin to specify, namely, what are the beings, whether noble or ignoble, upon whom these duties are imposed; and, then, what is that vast field of action, whether noble or ignoble, upon which these duties are to be performed; our duties springing out of our obligations to ourselves. What are we, ourselves? Simply passing, transient forms of material existence, as some would have us believe, with no great, innate, moral sensibilities dividing us, by an impassable gulf, from the brute creation about us, with no lofty aspiration, no god-like apprehension, no enduring quality? Simply clusters of seafoam, tossed hither and thither on the ocean of life? Merely will-o'the-wisps springing up in the darkness here, and going out forever in the darkness there? I have neither time nor learning to answer these inquiries, save by that short and unanswerable argument, which comes from taking a look at a man's own self. Look, therefore, I ask you, at that most wonderful of all mechanisms of which we have any knowledge, that mind of yours, and receive your own answer. Look deep down into your own souls, and behold those stupendous powers with which you have been endowed, lying there like sleeping lions, till, at your waking, they rouse themselves in sublimest majesty and resistless strength, and receive your own answer. Consider some of these powers separately. Look, for an instant, at that wonderful power we call Memory, holding intact, even with the youngest of you, such a

vast myriad of facts and circumstances, that, could they be put upon canvas, the panorama would engirdle the globe on which we tread, and get your own answer. Look, for an instant, at that god-like faculty called Reason, by which, as you wander here from day to day in the hazy realms of thought, you step from premise to conclusion as grandly as some giant god might step through space from world to world, and receive your own answer. Speak to that swift-winged bird that flits in and out the windows of the human soul, called Fancy, and e'er you have willed it, it has flown to the remotest star, flown up to heaven, flown down to hell, and is coming back again bearing the everlasting answer upon its snowy wings, before the red lightning itself could have started. Reasoning only from the analogies of natural revelation, just as surely as when we look at these bodies of ours, we know there is a vast *material* universe about us, which we belong to and are part and parcel of, so, when we look at these minds of ours, we know there is a vast *spiritual* universe about us, which we belong to, and are part and parcel of—and if there is one sin we commit against ourselves, oftener than any other, it is in forgetting the majestic form and fashion of our being. If by some magic power he could, that speaker would come nearest the fulfillment of his high mission, when speaking to young men, who would thrust his hands into their breasts, and pluck from them those effulgent powers with which they have been endowed, and set them in the midst of the very stars, that they might look at them and admire them as they should. That was not an ugly idea, which we gathered at our mother's apron strings, nor one more unphilosophic or unscientific than many of the phenomena of Nature we see occurring daily about us, that, when this vast material universe shall have been wrapped in flames and have passed away, there will then be naught else left but one vast universe of mind, and then each several human soul will shine forth forever as a fixed and blazing star in the bright firmament of thought. This short line of reflection is not impertinent to the subject in hand, because when the word, soul, is blotted from the dictionary, the word, duty, goes with it.

Second. What is that vast field of action, whether noble or ignoble, upon which these duties are to be performed? I have only time to pause here long enough to remark that it is by far more noble, and thrilling, and glorious than any scene of action, trodden

by any race of even perfect beings of whom we can conceive. For, evidently, the stale duty to be performed by them would be simply the maintaining of their first estate, whilst with us, it is one continual conflict, from first to last—a hand to hand battle from the cradle to the grave. For them, the monotonous task to perform would consist in listening always to the soft, sweet music of unending peace, while ours is the thrilling fate of having our lives cast forth midst the loud alarms and rolling smoke and thunder from the great battle field of good and evil. But not to dwell, what a splendid field for action is here presented to the young and stalwart heart! Considered with reference only to which we speak to-night, how full of hope, of promise, of dauntless achievement, and of unfading honor. And then, when we reflect that our lives have been cast in this free land of ours, where no kingly crown, nor royal robe hangs between the humblest heart and the blue sky of fame, what a splendid field is presented to the young man! Then, too, when we further reflect we live midst the electric glory and blaze of this nineteenth century, with all of its advancements, all of its improvements, its privileges and its possibilities, what a magnificent battle field is presented to your gaze! What young man before me, now that it has been barely mentioned, does not feel his heart leaping within him, and longing to go forth to the conflict even before its time? Which one of you, in your fancy, does not even now imagine that he hears the bugle sounding, sees the banners floating, and beholds the hosts rushing together in the greatest conflict ever engaged in by intelligent beings, or viewed with wonder and amazement by angels from on high? Julius Cæsar, the typical soldier of the world, had for his field of conquest but little more than the countries surrounding the Mediterranean Sea, and the one sole avenue to fame opening before him was the red path of war, of blood and of carnage. The young soldier of the nineteenth century has a thousand avenues to fame open to him, and leading up to far higher and sweeter honors than were ever placed upon the brow of man by the bloody hand of Mars, and now, that the nations of the earth are drawn together by the iron arms of modern civilization, it may be truly said that he has the world as his battle field, to which he may come, and see, and conquer.

What are some of the duties devolving upon such a being as

I have attempted to describe, in the fresh bloom of young manhood, and acting his part on such a scene of action?

First. The first duty I mention is a

DEVOTION TO LABOR.

I am loth, for one reason, to mention this, too, because it evokes the just criticism of being identical, at least in name, with a division contained in an address deliverd at a neighboring college some time ago. But criticism or no criticism, if I were called upon to make an hundred speeches to young men preparing themselves for the great work of life, I should lay this as one of the corner stones in them all. There is an idea of amazing prevalence today that education is intended as a substitute for labor. The fond old father and mother, who deny themselves the necessaries of life in order to send their boy to college, do so that he may not have to toil and delve as they have done. The thousands of young men congregated in the colleges and universities throughout our land, seem unable to rid themselves of the idea that the great object of college life is the accumulation of a vast amount of knowledge and intelligence, which they are to take with them out into the great market house of the world and sell at stipulated prices, and thus avoid work. This is the fatal blunder, the crowning mistake today of educated young men. This is the rock on which more young men are yearly shipwrecked now in America than all others combined. You will, therefore, permit me to go as near the bottom at this point as I can. Labor, young gentlemen, is not some fickle god, as you may have imagined, exacting his iron requirements of this man, and exempting that one. Whatever may have been the case when the world was a paradise, when fond earth yielded her fruit to man, uncultivated and unsought, at the instant those fatal words, "In the sweat of thy face shalt thou eat thy bread," were uttered, labor became a great universal law, just as universal, so far as the ball on which we tread is concerned, as the law of light, of sound, or of gravitation, and just as completely taking within its wide range, all classes and conditions of mankind.

1. But not only is this law of labor a univresal law, but it has that further attribute, possessed by all universal laws, it is an inviolable law. There is no such thing in life as the attainment of manhood, or the accomplishment of anything worth calling success, in violation of this law. Just as well had one expect

that he could, in violation of the law of gravity, leap from a ten-story building and not be dashed to pieces on the street beneath, or that he might look continuously at the blazing sun and his eyes not be burned from their sockets, as to expect to succeed in life in violation of this great law. That a man, now and then, may receive some passing honor, or may pick up something of value in the road of life, both being somewhat without the range of this law, may be admitted. But when we come to the great aim and object of human existence, the building up of a magnificent character, the development of the wondrous powers committed to our charge into a sublime manhood and womanhood, there is absolutely no exception whatever to this law. There may be born gentlemen and ladies, but there are no born men or born women.

2. It is a dignified law. In almost every clime, except our own, as wealth has accumulated, there has arisen a class of persons who have looked with derision upon labour, and scoffed at the man who was compelled to work for his living. But thanks be to heaven, that under the genius of our simple American institutions, such a revolution has already been brought about that it is not only no longer a reproach to a man to be compelled to be a laborer, but it has come to be looked upon as a positive sin and shame for a man to be an idler, and some of the wealthiest of all our citizens now regard it as one of their chiefest honors to be numbered among the world's greatest laborers. The happy day has come in America when that class of polished and refined young gentry, who once could actually pose in luxuriant idleness before an admiring populace, could actually be fawned upon, looked up to, and admired, are now regarded by all sensible people, as either dudes or cranks.

3. It is a pleasurable law. All there is in life worth the name of pleasure, all that appeals to a man's nobler feelings, and obtains the endorsement of a man's own self-respect, comes from the great activities of human life. Man is so constituted that he receives his highest pleasure, not in physical action as the brutes about him, nor in sloth or ease, but from mental action, and the more intense the action, the more intense the pleasure. Just as in the animal world, and in its highest sphere, the deer receives its greatest pleasure when bounding through the forest, or the sea bird its intensest delight, when it mounts up and rides in triumph on the raging storm.

4. It is a certain and resistless law. I hear men saying: "This is an uncertain and motley world in which we live. Here

is a class of men who never work at all, and whose lives are shining successes, and here is a class of men who toil day in and day out, and upon whose brows there sits unending failure." I deny this, and the briefest examination into the facts will show that I am abundantly borne out in my denial. When we come to hunt for those men who succeed without labor, as claimed, we find them the rarest exceptions to the general rule, one, possibly, in ten thousand. Then, too, in almost every instance, it will be found to be simply some man who has picked up something in the path of life, and not knowing how it came, nor how to value it, it usually does him more harm than good. On the other hand, when we come to search for those who toil always, and are rewarded only with failure, we find that every single case is an instance of misdirected labor. No fault of the rule, but of its use—a young man who insists upon being a lawyer, or minister, or doctor, or merchant, when everybody sees, but himself, his talents do not fit him for the calling he has chosen. But the point I aim to make, and which experience proves, is, that this great law of labor is a certain and resistless law, and has fewer exceptions to it than almost any rule or law of which we have any knowledge. A young man may go forth into life with the assurance that just as certainly as every cause must have its effect, just so certainly must well-directed labor produce the desired result. And the force expended becomes just as resistless in the one case as in the other. Just so surely as in the physical world force added to force finally produces a resistless power, just so, in the wide range of the affairs of men, that young man will find that when toil is added to toil, work to work, and labor to labor, he finally has accumulated a resistless momentum in the great fly wheel of human life.

I am thus careful, young gentlemen, to analyze, that I may the more potently, if possible, urge upon you the absolute necessity of obedience to this great law of labor. Let me repeat, there can be nothing worth calling either manhood or success attained to in violation of it. I pray you, listen not to those voices that may be speaking to you, even now, from the world of darkness, and telling you that shrewdness, dishonesty, and hypocrisy may suffice. These, it is found, in the great stretch of human life, are but the witches along the wayside, the three weird sisters, dancing before a man and enchanting him, but in the hour of his direst necessity disappearing forever from his gaze. Neither let any man have you believe that a family name or prestige, the noble heritage of any young man who can

claim it, and by reason whereof he ought to work all the harder, can alone and of themselves suffice. On the grand trunk line of life, where all of us, in this America of ours, must finally come to ride, there are no favored few, no free passes, no deadheads. Neither listen, I beseech you, to that soft, siren voice so often listened to by young men, that bright eyed genius will suffice. Genius, young gentlemen, without the strong wire, welded at the blazing forge of labor, to guide and direct it, is but the wild lightning in the midnight storm of life, leaping from this cloud here to that cloud there, and leaving its pathway darker than when it found it.

Second. The second duty urged upon you tonight is

CONFIDENCE IN MANKIND.

The teachers of practical ethics of the present day are promulgating two divergent rules of action for our guidance in our dealings with our fellow men. The first, which comports with the natural impulses of the human heart, is to believe every man you meet to be honest until he proves himself to be a rascal. The other, springing, it is said, out of the exigencies of business, is to regard every man you meet as a thief and a rascal until he gives ample proof of his honesty and of his integrity. Whilst it must be confessed that the dissemination of knowledge, and the spread of a conscientious civilization, are making the world better instead of worse, it cannot be denied that this last rule, founded, as it is, in bad philosophy, bad humanity, and, as I claim, in bad business, is rapidly gaining strength. Fifty years ago, we are told, one neighbor frequently would loan another one thousand dollars without so much as taking his note for it. Today if one brother loans another a hundred dollars, he usually wants a deed of trust on his home, his furniture, and his wife and children would be included if they were thought to be things of value. If a man desires to buy, from one of the larger agricultural implement houses in our cities, a reaper or a threshing machine, he must sign what is called a property statement, and then swear to it, invoking upon himself all the pains and penalties of perjury if it should be discovered that he has sworn falsely. As a natural outcropping of this same rule, pushed to extreme limits, it is no uncommon thing, for one accustomed to be about hotels or other public place to hear some man proclaim, in all seriousness,

"Oh, don't talk to me. Every man has his price. All you have to do is to offer him enough." There never was a baser, more malicious, and ungrounded slander fell from human lips. There are ten thousand men to-day in the State of Missouri, that money cannot buy. The best test to apply to any rule laid down and contended for, is to consider its tendencies, and then push it to its furthest logical extreme. If the tendencies are seen to be good, and when pushed to its furthest logical extreme, it culminates in honor or perfection, it is a good rule. If, on the other hand, its tendencies are seen to be bad, and when pushed to its furthest logical extreme, it terminates in disgrace, disaster, and ruin, it is a bad rule. Apply this test for a moment to the rule of action under discussion, that every man you meet is to be regarded as dishonest until he gives proof to the contrary: To begin with, the first tendency is to make of every man who adopts it a cynic and a misanthrope. For, of necessity, every man who goes through life, looking upon all his fellow men as thieves and scoundrels, must logically conclude that all his fellow men are looking upon him in the same way. We thus have that example, so often presented, of a man building about himself a wall of ice, and then living in the chilly atmosphere of his own selfishness. Then, too, in four cases out of five, the tendency of this rule of action is to breed the very dishonesty it was intended to avert. You loan a man five hundred dollars, and bind him down with chains and shackles of securities, and you thereby burn out of that man's breast all feelings of obligation to repay you that money; and unless his own innate, God-given honesty prevents it, he will try and devise some way to swindle you out of it. But push the rule to its logical extreme, when every man shall believe every other man is a thief and a scoundrel, and what have you done? We have swept away that thing so much talked of by business men, called *confidence*. We have murdered the most beautiful quality in the human breast, called unselfishness, and we have transformed the race of men, intended to dwell together as a band of brothers, linked by the golden chains of mutual trust, into a race of tigers leaping to each other's throats. I may, at this point, urge upon you a doctrine, precisely contrary, it may be, to that taught by some former speaker, but I cannot help it, if I do. I confess but little regard for those super-excellent cynics, who never bring their own chilly hearts close enough to the great pulsating heart of humanity to be warmed at its glow, and who, now and then, stand before young men at college commencements, waving the danger

signal, and shouting, "Beware, look out, you go forth into a race of thieves and scoundrels." The world, alas! has its thieves, its scoundrels, its forgers, its embezzlers, its burglars, its robbers, its midnight assassins, its red-handed murderers; but these, thank God, are the exceptions, the cheat in the great, yellow, golden harvest field of humanity. I believe I have a right to throw aside formalism here, for I believe I have seen as much of the worst side of human nature as any man of my years. I proclaim to you, young gentlemen, in all sincerity, and most gladly, too, that the great majority of mankind are honest at heart, and want to deal honestly and fairly with their fellows. Their verdicts, when uninfluenced by schemers and demagogues, invariably show it. Our fathers were right in declaring, "The voice of the people is the voice of God."

But not only are they honest at heart, but there is a golden chord of sympathy, extending from heart to heart throughout the vast range of all the intelligent creatures of a common creator, the kinship of the human soul, which we call humanity. In a recent terrible storm which swept over our city, at the mouth of the Kaw, the place specially selected for its fury was a school house, in which a large number of little children were crushed to death. The black cloud had not yet removed itself from over the ill-fated city when a vast multitude of people had assembled in the streets leading to the school building, which stood upon a slight elevation, watching the work which was then in progress, of removing the dead and dying, and of rescuing the living. Now and then, a strong man would appear at a door of the half-fallen building, bearing a dead child in his arms, and when he did so, the noisy multitude became as silent as the grave, and with bowed heads seemed to wish the little soul a happy voyage across the river into the better land. After awhile, some man would appear at the door of the building, bearing in his arms a living child; and quick as thought, would go up from that vast multitude a shout that pierced the very skies, and put to silence the voice of the still rolling thunder of the retreating storm. It was not the scattered voice, here and there, of father, mother, or friend—it was the uplifted voice of the whole multitude as the voice of one man. It was the voice of the Christian, mingled with the voice of the Infidel; the voice of the capitalist, mingled with the voice of the laborer; it was the voice of the veriest bootblack in the streets, mingled with the voice of the stranger within our gates but an hour. It was the voice of humanity. It was the

sudden touching of those golden chords of love and sympathy which Christians tell us reach up and take hold even in the angels' breasts, when, with uplifted shouts, all heaven resounds as they look forth and behold but one ransomed soul borne home from a tempest-tossed world in the stalwart arms of redeeming love.

Third. The third duty I name is

THE PRESERVATION OF A CLEAN RECORD.

There are three books in which a man's record is kept. 1. The great book of his own memory, which the best metaphysicians I believe now tell us, contains every word and syllable—every jot and tittle—of all that occurs from the cradle to the grave. 2. The book of a man's conduct kept by the world about him. 3. The book out of which all of us are to be judged at the last great day. With this last we have nothing to do tonight, and but little with the first, what I am now about to say being especially applicable to the second, the book of a man's conduct kept by the world about him.

The advent of a young man into practical life, especially if he evinces any aspiration, is a far more important event than he usually imagines. No sooner does he step forth on this scene of action, than a thousand eyes are upon him, a thousand ears are listening to him, a thousand pens are recording all he does and says. The great majority of his fellows write in largest letters his virtues and record in smallest letters his faults or his sins. But there are in every community a chosen few who despise from the bottom of their hearts to see any young men succeed. They note every foolish word he utters. They record every mistake or blunder of his life, and if perchance he commits a positively wrongful act they roll it as a sweet morsel under their tongues, and long for the coming of the day when they can use it against him. If a young man's public life in the main is honorable and upright, these people are but the frogs screeching along the roadside, the crickets snarling in the trees about him. But if unfortunately his public life becomes so impure as to leave in his tracks behind him the least scent of dishonor or dishonesty, they then become a veritable pack of bloodhounds, howling and barking at his heels. Many a public man is there who, though his sins amount to nothing, is turning continually trying to appease them, or actually en-

gaged in feeding them throughout his public career. You should see one of them so hungry that his flanks come up on the top of his back before tossing him the dryest bone that ever bleached in the noon day sun.

This brings me at once to my reason for strenuously urging upon you the duty of preserving a clean record. A clean record makes a brave and useful citizen; an unclean record makes either a positive knave or a cringing coward. A young man in his haste to get rich allows a few paltry dollars, possibly fifty or a hundred, to stick to his fingers. It becomes known and the terrible fact chases him like a bloodhound, like a vengeful Nemesis, throughout his life, and oftentimes to an untimely and dishonorable grave. I see still going the rounds of the newspapers, the account of a thrilling adventure of an old railroad engineer in the mountainous oil districts somewhere in the East. He had just started down a long steep grade of ten or fifteen miles on the mountain side, when, looking back, he saw two, out of his long train of cars filled with oil, on fire. He cut loose his engine and its own weight shot it rapidly down the grade, but he had gone but a short distance when looking back he saw the whole train was on fire, and like a rolling volcano was at his very heels and rapidly gaining velocity. It was then that he thrust open the throttle valve and the most thrilling race for life in the world's history possibly took place, the old engineer urging his engine to its utmost velocity down the long, terrible grade, while the train of cars with its already acquired momentum like a red burning cloud chased so close upon him that he could feel its hot breath, and escape only came when the train had spent its force far down on the level grade in the valley. So a bad record, like a blazing thing of horror, chases a man all down the track of life and into the valley and shadow of death.

But my principal reason for urging this duty upon you comes from the resistless power coming from a clean record. You will have found, young gentlemen, before you are long in life, that it is not the man with the white-handled dirk or shining revolver who is to be feared. But the man who is right; the man who has a clean record, a clear conscience, and a brave heart; the man, who, looking you straight in the face, says, "I am right and you are wrong, and you know it." Give a man fair natural ability, a thorough education; give him experience written out in a clean record back of him, and put a brave heart in his breast, and such a man becomes in life a resistless cyclone of power, sweeping

everything before him. The shafts of error shot at such a man are but straws blown hither and thither in the breath of the tempest. I hear men continually talking about the power of trickery and chicanery in life; about the triumphant victories error is achieving in the world. When history is all read, and decade compared with decade, and century compared with century, such appears by no means to be the case. Error, then, appears as a cringing coward, or, at best, as a midnight assassin, whose victims are either stabbed in the dark, or shot in the back. When decade is compared with decade, and century with century, it is shown that the great triumphant hero, who marches to and fro in the earth, conquering and to conquer, is the right, is eternal truth. And when this war of human life shall have ended, and the tents are all stretched, and the arms are all stacked on the everlasting plains, and all the muster rolls from all the earth are spread out upon the green grass, and compared, the one with the other, it will appear that the hero, Truth, has never made a mistake or lost a battle.

Fourth. The fourth duty I urge upon you, and one of special pertinence just at this time, is

A REVERENCE FOR THE LAW OF THE LAND.

The founders of this great Republic, beneath whose flag we live, bequeathed to us a magnificent heritage, the heritage of being citizens of the only truly free government the sun has ever shone upon. I do not wish to be considered an alarmist, for I do not believe I could be charged with apprehending danger when there is none, or of painting the murky future with ghosts. I am authorized, however, to say that, in the opinion of many of the best and most experienced citizens of our land, our institutions are in more danger now than at any time since the formation of the government, save when our country was in the awful throes of civil war itself. There is today on the part of the great majority of our citizens who are virtuous and honorable, an apathy with reference to the majesty of the law of the land and its enforcement, taken in connection with the positive tendency on the part of the vicious to corruption, turbulence, or the trampling under foot of all law, which, when looked upon, presents an appalling spectacle to the patriotic heart. Such a state of affairs, indeed, as is causing many of our best and wisest statesmen to fear there is a slumbering vol-

cano beneath our feet, which is liable at any moment to burst forth in all its red fury, and sweep away the liberties handed down to us by our fathers. That I am sounding no false alarm at this point, I ask you merely to pause a moment and consider some of the facts. Where, I desire to ask you, beneath the shining sun, in any government, Christian or heathen, may a man kill another with the same impunity as in any of the States of this Union? Where (and I refer to no particular case or State), in any country on the Globe may a man bathe his hands in his brother's blood, and then pose with the same ease as a hero, and, oftentimes, as a chivalrous and red-plumed murderer to be fawned upon, petted, and admired? The courts of the land have been made a mockery and the vilest criminals turned loose again to their work of robbery or murder, until the best citizens in the land are taking the law in their own hands, dragging the cowering victims from jails or court houses, and executing them in the shadows of the night. I believe statistics from almost every State in the Union will show that more men are being hanged by mobs than under the law. Think of it! With the magnificent Constitution, of which we so justly boast, and that Bill of Rights, declaring, among other things, that every man shall be entitled to a fair, speedy, and impartial trial by a jury of his peers, and more men hung midst the howls and jeers and uncertain passion and fury of a midnight mob than are executed under the forms and sanctions of the law. But this is by no means the most prolific cause for alarm. The idea seems to be rapidly gaining ground that liberty in America either does, or ought to, mean license. The impression with many appears to be that the great experiment being made by the American people is, as to whether or not a nation may exist without any laws whatever. As an outgrowth of this idea, men form themselves into great corporate powers, with millions of money at their backs, and seem to imagine that they are above all law and all government, and can break the feeble statutes of the States at pleasure. Their favorites are placed in the highest places, oftentimes in the temples of justice; they overawe officers of the law, and frequently, in broad daylight, buy up legislatures, body and soul. Laborers throughout the country, deluded and led on by the enemies of all government, and seeing the impunity with which the laws are broken by those in higher spheres of life, are persuaded into the belief that they also have a right to set the laws of the land at defiance. In our large cities excited multitudes are seen marching up and down the streets

with the red flag of Anarchy, where only the Stars and Stripes should float. The wheels of commerce are stopped, trains are wrecked, property is destroyed, innocent companions are killed, officers of the law are shot down in broad daylight. This is not all, nor the worst. A man in our large cities may frequently see one of these deluders of honest laboring men on the stump, in broad daylight, openly advocating the defiance of all law, crying, "Away with court houses and courts; away with all statute books; away with all officers; away with all government!" Nay, who advocate more than this—the open resistance of the laws of the land; if need be, the assassination of its sworn officers; who openly advocate forcible resistance, in the daytime, and, if need be, the torch and the dagger in the midnight. Well may the great mass of the people of this Union, both laborers and capitalists, who are law abiding, stand amazed and appalled.

Men are suggesting this remedy, and that remedy, and the passage of this law and of that law, which, in many instances, are just and proper. But it does not seem to me that the first thing to be done is to enforce the laws, the wise and just laws already on our statute books. I frankly confess before an audience, whose refinement and whose wealth might cause me to speak otherwise, that every feeling, and impulse, and sympathy of my heart is on the side of labor. It could not be otherwise with me, for, from necessity, I have been a laborer all my life. Of all my friends, labor has been the kindest and truest to me. I could not take my stand on the side of what is known as capital, for I would be out of place, and, in fact, a stranger there. It does seem to me, though, that in this intense contention, and agitation, and warfare, between extremists, my surest post of duty is standing, where all true laborers will ever be found, beneath the flag of my country, battling for the supremacy and impartial enforcement of all her laws. I believe that today every honest dollar in America is crying out, enforce the law! all the drops of honest sweat, on all the honest brows of honest American laborers are crying out, with their ten million voices, enforce the law! The spirits of the departed founders of this Republic, its guardian angels, are whispering to us, enforce the law; and every grave in which liberty has been buried, all down the ages, is opening wide its mouth and crying aloud, enforce the law!

For you, young gentlemen, is reserved an eventful life, the entrance, in my opinion, of many into the midst of the greatest struggle in our national history, that terrible struggle in which so

many of the nations of the earth have perished. As you go forth into this struggle, I beseech you to take the statute books of your country and examine them, leaf by leaf; and when you shall have found a law engraven there, popular or unpopular, raise your voice, bravely, manfully, and unceasingly for its enforcement. Take the great statute book of your country, filled, as it is, with wise and wholesome laws, press it to your hearts with all the love, and devotion, and patriotism of your natures, for, I tell you, that in the supremacy of these laws, and their impartial enforcement is to be found the safety and the perpetuity of American liberties.

Fifth. The fifth and last duty, and personally considered, far o'er-topping all others named in importance, is

THE BUILDING UP OF A POSITIVE CHARACTER.

By this, of course, is meant the training, and educating, and leading out of those noble powers of mind committed to your charge, until they are developed into that sublimest result of human effort which we call character, the lifting up of the crude faculties of the human soul into a magnificent manhood. This comes so completely, however, within the range of your studies here at this great University, where you receive, doubtless, so much better instruction than I could impart, that I leave it with a bare mentioning of it. The point, the practical point, upon which I desire to lay particular stress, is suggested by the adjective, placed before the word, character—a *positive* character. I do not desire to criticise the young men with whom I am associated in practical life, further than the bare mentioning of errors into which they are falling, that you may avoid them. If I were compelled to name the chief defect in the character of hundreds of young men I have met, it would be that they had no fixed principles, no great *positive* convictions upon the most profound topics presented to the human mind. We see, nowadays, scores of young men, who are polite and refined, splendidly educated, quick, and oftentimes witty in conversation, and skillful and attentive in business; but when this is said, all is said. When it comes to the possession of any fixed principles, or positive convictions upon the sublimest and most important of all questions, they are absolutely without them. They are perfectly devoid of what we call individuality. A young lady, in speaking of one of them, takes in the whole scope of his character when she describes him as “a real

“nice young man.” No such young man can possibly make his mark in life. If the Angel Gabriel were given a lighted torch in each hand, and put only an hundred yards behind such a young man, he could not track him through life if his heavenly crown depended on it. That thing, too, which is so much lauded, at the present time, called the tendency of modern thought, is more to blame for this result than all other causes combined. A young man is taught that the human mind is too small and too finite to grapple with many of the profound issues necessarily presented to him. He is taught that the human mind is not a bird of steady poise and majestic wing, born to battle with the storms, to make its way through the clouds, to bathe its plumage in the blazing sun of truth, but merely a half-blind bat flying to and fro here in the twilight, and tossed hither and thither by the breath of every passing zephyr. If a great problem is submitted to him in metaphysics, or in morals, or with reference to the eternity behind him, or to the eternity in front of him, he is instructed to write, “I do not know” across it and throw it into the waste basket. It is out of the fashion, it is said, to stand any longer upon fixed and eternal principles; it is a sign of an old fogy to have great, positive convictions. My young friends, sooner or later, all the profound questions submitted to your minds must be settled—they will never down. The fact that you are endowed with reason, it seems to me, logically requires that you should use it. You have the same right, in the material world, to shut your eyes and to stalk forth, regardless of fire, or flood, or precipice, as you have to put a blindfold over your eyes and grope about, heedlessly, in the moral world.

But, argue about this as we will, the practical duty for you is plain. Say what we will, after all, the men, and the only men, who make their mark in life, are men of fixed principles, and of strong, positive convictions. Go into any community and fix upon the men of standing, of influence, or of wealth, and you will invariably find that they are men of individuality, men of strong, positive convictions; men who are like the Rocky Mountains, upon which the sun set and left in darkness but an hour ago, but upon which he set with the full knoweldge that, when he returns in his chariot on the morrow, he will find them unchanged and unmoved from their everlasting places. And if there ever was a time when men of character were being sought after, and when men of strong, positive convictions were being rewarded in business life, that time is now. Your lives are to be cast into times when that lawyer

will receive the largest clientage, whose known and fixed principles shall be a guarantee for the confidence reposed in him, and when that doctor, or that merchant will best succeed in life, who are known to be men of strong, positive convictions. As to the occupancy of places of official trust, to which the gaze of young men is much directed, I say to you that there never was a time when men were casting about for persons of fixed principles and strong convictions, as they are now; men, whose strong individuality and high character, outside of an office, may be taken as a guarantee of honesty and integrity, when inducted into office.

I expect some young gentleman in this audience is now saying, that if he should take my advice as to the performance of this last duty, it will logically compel a decision, upon his part, of the question he had hoped to escape; the most stupendous question ever presented to the human mind—the mortality or the immortality of the human soul. I frankly confess to you that it does. And simply as a matter of business success, and happiness for this life only, if I should urge no further reason, I say to you, decide it. My own high duty on this occasion, however, probably requires that I should charge you to decide it under all the lights that can possibly be presented to you. I may not urge upon you those resplendent lights let down to us from a brighter world, for this would be an invasion of the Holy of Holies, into which one of my calling may not come. I may, however, with all propriety, implore you, as a sworn juror sitting in the jury box, to pass upon the thrilling issue of the life or death of your own soul, to give a fair and respectful hearing to that greatest of all earthly orators and advocates, that matchless reason of yours, which shall rise to argue this question in the council chambers of your soul. And if the voice of this advocate should go unheeded, I beseech you to give due and full consideration to the evidences springing from those great religious instincts implanted within your breast, and found the world around to be as universally implanted within the breast of man, in every age and clime, as are the instincts in the animal creation about us, and which are just as infallible guides in the one case as in the other. Just as infallible a guide in your breast, when it says to you that there is for you a warmer and brighter world, as in the breast of the bird, when it leaves the blasts of approaching winter in the North and starts upon its long journey for the warmer and brighter sunlight of the South.

The Yellowstone Canon in the great Northwest is not only one of the wonders of the world, but, in the opinion of travelers,

being yet undecorated by the hand of civilization, is beyond all question the sublimest spot on the globe. This canon is a deep trough, dug out along the high backbone of the Rocky Mountains, several thousand feet above the level of the sea, and into one end of which the majestic Yellowstone River, at a fall more than double that of Niagara, pours itself with unending thunder. When looked at, this canon seems across the top, not more than one hundred and fifty yards, and its walls, in many places, nearly a quarter of a mile in height, are so precipitous and circuitous that at most places in the gorge the sun, in all his pilgrimages around the earth, has never found an entrance, save by his hazy and reflected light. When I was out there last August, I climbed up and around, for more than a mile, until I came to the upper part of one of those sides, and thence out on a narrow ledge of rock, leading nearly to the centre of the gorge, and sat down, looking at what seemed to be the white spray of a streamlet beneath, and listening to the ceaseless roar of the cataract resounding through the solitude of the mountains. The only evidence of life I saw were the indistinct forms of what I took to be birds of ordinary size passing slowly around, each in the same direction, beneath me, but, by following them with my eye, until they came to the sunlight at the upper end of the gorge, I discovered they were eagles, and, one by one, they mounted up and were lost in the blazing light. In looking at the curiously shaped rocks to be seen on every hand, my eye finally rested upon one coming up out of the side of the canon, nearly directly below me, so precipitous that no human being could scale it, tall and slender as a church spire; and as my eyes followed it up and reached its narrow top, I saw, standing there, an old eagle, just upon the edge of a nest containing three or four nearly grown eagles. The nest was so close and in such plain view of me that as quick as my eye rested upon the old bird, she saw that she was discovered and flew away, and around and around, with continuous shrieks, whilst the young eaglets, with tucked heads, clutched the rocks on which they lay, still and motionless as death. Perceiving that her shrieks were danger signals, I thought I would see if I could not break the faith of the young eagles in the parent bird, and I threw rocks down near where they were and shouted at the top of my voice; but the more I threw, and the more I shouted, the more the old eagle shrieked, and the young eagles, from first to last, hugged the rock on which they lay without the movement of a limb or the rustle of a wing. I sat down again and in a few moments,

in looking high up on the opposite side of the canon, I saw coming out of the rocks, doubtless from a craggy nest from which I had not been discovered, an old eagle and an awkwardly flying eaglet near its side. The young eaglet was conducted out and above the center of the abyss, when the two, turning, took the course pursued by the others. When, reaching the sunlight at the mouth of the canyon, to my amazement, the awkwardly flying young eaglet seemed to know it when it saw it, and with a steady poise and majestic stroke, as if begotten of the moment, it mounted up, and around, with the older bird, until the two were lost to my vision in the dazzling light.

So, my young friends, in this hazy vale in which we dwell, in this murky gorge of human life, in which no first and unreflected ray of light can ever come, though I may give no better reason for it than the young eagles, amidst all the shrieks and shouts, and roar about me, I simply clutch the rock on which I find myself, with all the strength and tenacity of those religious instincts born in every human breast. And just so surely as I know I live, just so surely do I know there is that within me telling me this hazy light is not all; that this poor body, the rough nest in which my soul is made to lie a while, is not its final home; that with unceasing longings to soar upward and behold the One Great Source of life and light, there is for me a better fate than simply lying here transfixated within this dismal gorge of time, watching only His stately shadows passing through the skies by day, or catching but reflected glimpses of Him in the glittering stars by night. Something within me telling me that when the dread summons shall come, and with one fatal plunge I shall leap from off this solitary rock out into the dark abyss of Death, the blackness and the rocks beneath shall not receive me. I shall be conducted safely out, and when I strike the sunlight I'll know it when I see it, and, mounting upward, bask forever in the rays of the full-orbed sun of a brighter world.

THE FIGHT BETWEEN THE LAW AND THE BANDIT.

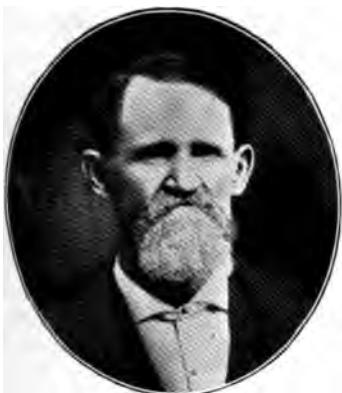
(From closing argument in the trial and conviction of William Ryan, one of the James Boys.)

Note: In order to properly understand this speech and the Frank James speech, which is published in this volume in full, just a few of the facts from the thrilling history of those days should be given. It should be stated and emphasized that the great body of the people of Missouri were opposed to the outlaw band. In Western Missouri, however, especially in Clay, Jackson, Cass, Johnson and Lafayette Counties, there lived a large number of ex-Guerrillas, who had fought in the "Border Warfare" with the Jameses and Youngers, and who, while not approving of their depredations, were in sympathy with them on the ground of old comradeship. Besides this, the outlaws had many relatives living in the counties above named, especially in the country part of Jackson. The ex-Confederates, however, with the exception of one solitary man, not only in the counties above named, but throughout the State, were intensely opposed to the outlaws, and led in the fight to overthrow them. The unfounded claim was constantly made that these bandits were the last remaining relic of the Southern army, and the ex-Confederates regarded their deeds as a stigma upon them and the cause for which they had fought.

The facts, briefly stated, were as follows: For fifteen years the "Missouri outlaws," probably the shrewdest, boldest band of free-booters the world has known, had held Western Missouri in absolute terror. From Minnesota to Alabama, and from Virginia to Kansas, they had robbed banks and trains, shot down cashiers, conductors, officers of the law and citizens supposed to have given the slightest information against them. Every mouth seemed sealed, and the work of plunder, pillage and death went on, lasting seven years under a Republican State administration and eight years under the Democrats. Pinkerton hunted the band for years, but his only recompense was the corpses of his men. Missouri was excoriated throughout the Union. Her lands were depreciated and thousands of travelers actually passed around her in going west or east. It was considered political if not actual suicide to oppose these outlaws, and no Republican or Democrat had ever denounced them, or called their names from the stump in the country districts.

In 1880 Mr. Wallace made his canvass for prosecuting attorney on horseback in Eastern Jackson County, speaking usually at night. He denounced the band in the midst of its friends, called its six members by name and promised the people if elected he would do all he could to bring them to justice. This caused astonishment, indignation and threats, but he was elected. In a few months after he became a sworn officer, William Ryan, one of the most desperate of the band, was in the grasp of the law and forced into trial at Independence. He was the first one of the James Boys brought

THE RYAN TRIAL.



CAPTAIN M. M. LANGHORNE,
Deputy Marshal, who guarded
the prisoner, Bill Ryan, during
the trial.



AMAZON HAYS,
Deputy Marshal, who guarded
the witness, Tucker Bassham,
during the trial.



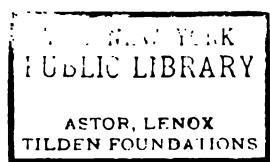
COL. JOHN N. SOUTHERN,
Lawyer, ex-Confederate, who as-
sisted the State.



CORNELIUS MURPHY,
Marshal of Jackson County, Mo.,
who superintended the selection
of the jury.



W. G. KESHLAER,
Who brought Bill Ryan from
Tennessee.



to trial in Missouri. The most intense excitement prevailed. The friends of the band from far and near, armed to the teeth, packed the court room, many of them sleeping during the nights, which were pleasant, in the court house yard so as to secure seats upon the opening of court. It was known to the officers that Jesse James, at the head of his band, was in hiding a short distance from Independence. Sky rockets were sent up from various places out in the country at night, presumably to assure the defendant and his friends that the band had not deserted him. Information that a rescue of Ryan was contemplated by the outlaws, the plan being to shoot the prosecutor and the other officers in the court room, and during the excitement, conduct the prisoner to the outside and place him on an extra horse, was afterwards corroborated by Dick Liddil, who gave himself up afterwards and became a State's witness, and who was a member of the band at the time of the trial. Such was the intense excitement that Tucker Bassham, a raw recruit, who had participated in the robbery and who was a witness against Ryan, had to be guarded for his protection, his house being fired during the trial, and it failing to burn, all his household goods piled in the yard and burned, his wife and children taking refuge in Independence. Toward the middle of the trial, which lasted several days, Mr. Wallace received a written communication, which he had reliable information came from Ryan's comrades, telling him that unless he desisted in the prosecution he would be killed. He did not desist, and Ryan was convicted and placed in the penitentiary for twenty-five years. The backbone of the band was broken. Liddil's surrender followed almost immediately, and he became a State's witness. Clarence Hite, another member, was placed in the penitentiary for twenty-five years, and the officers now fully informed, took up the chase, and in less than one year the band was totally destroyed, Frank James, its last member, handing his pistols to the Governor of the State.

During the long trial one of the editors of the *Kansas City Journal*, the Republican daily at Kansas City, sat within the railing in the court room. He said he doubted if Mr. Wallace, a Democrat, raised in Missouri, would prosecute one of the James Boys in real earnest, and he wanted to see. The next morning after the jury returned its verdict the *Journal* contained a leading editorial, from which the following is clipped:

A TRAIN ROBBER CONVICTED.

"The prompt conviction of Ryan, the train robber, at Independence, yesterday, was very gratifying to a large majority of the people of this city. The prosecution was conducted with signal ability and unflinching courage throughout. The counsel for the defense spared no effort in behalf of their client, and money was furnished him from some mysterious source in ample sums to secure everything that was needed in his trial. The jury was out but fifteen minutes when it returned a verdict of guilty and fixed the punishment at twenty-five years in the State prison."

EXTRACT FROM THE CLOSING SPEECH OF MR. WALLACE.

THE EVIDENCE shows, gentlemen of the jury, that the defendant has loitered in the house of Bacchus just long enough to feel his cups. This increases his bravado, but makes him a little slower in getting his finger to his trigger. "Stand back! Stand back! I am an outlaw and a desperado, and my name is Tom Hill," he exclaims. But almost as quick as thought the brave Tennessean, Earthman, rushes upon him, encircles him in his arms and Bill Ryan, alias Tom Hill, next to Jesse James the most daring member of the band, is a prisoner at a village near Nashville, Tennessee. He is handsomely dressed. His splendid steed stands hitched to the rack. When searched two large, costly revolvers are found in his belt under his coat, burnished and ready for the work of death. Next to his person he wears a buckskin vest or sack containing over one thousand dollars in gold coin.

He is brought to Missouri and we are now engaged in the hottest and most important trial in the history of this glorious Commonwealth whose magnificent people love good government as truly as any people beneath the skies. It is a test case. My defending brothers, all of them standing in the very first ranks at our bar, have traversed such a wide field in their arguments that I am now at liberty to make honest and candid reply. For fifteen years this band of men, so highly eulogized by counsel, has so terrorized Western Missouri that no citizen has dared give information or institute proceedings against them for fear of losing his life. Meantime they have startled the world with their deeds of daring—their bank robberies, their train robberies, their murders, their assassinations. At last one of their number is compelled to face a Missouri jury. His friends and the friends of the band cluster close about him, even inside of the bar here, until I barely have room to stand and speak. The forces of the outlaw are pitted against the forces of the law, and the verdict of twelve men—I believe twelve courageous men—is awaited with intense interest by a law-abiding people. You are soon to say which you prefer, the mask of the bandit or the torch of civilization.

I have analyzed the evidence in detail. It is enough to say in short at this point in my argument that six men, the regulation number of this skilled and desperate band, masked their faces, placed obstructions upon the track, took charge of the agent of the Chicago & Alton Railway at Glendale in our county and forced

him to signal and stop the train at that point, covered the engineer and fireman with their pistols, made night so hideous with constant firing and the expert yells of brigandage that the poor mother of the agent who occupied the upper story of the depot was at once rendered insane and has been placed without hope of recovery in an asylum; beat the unoffending express messenger over the head with revolvers until he lay bleeding and unconscious on the floor of his car—Bassham says Jesse James and Ed Miller performed this cruel inhuman feat—then looted the safe, and placing about \$9,400 in a sack, disappeared in the blackness of the night.

And we are told that this was chivalry. Methinks I see every panoplied knight that ever poised a lance or fought for freedom or fair lady come forth from his tomb and brand it as a falsehood. In the name of all the gods who sit on Mount Olympus, in the name of justice, whose servant I am, I denounce such an act as thievery, or as the law denominates it, robbery—robbery in this instance low and brutal, damned and foul.

One of defendant's counsel realizing, doubtless, that a large majority of those now in the court room are the backers of his client and are wrought up to a high pitch of excitement, turned more than once during his eloquent argument and directed his remarks to the crowd. At one time he exclaimed that I should be guarded in what I said. He desired, he said, to remind me of the fact that Bill Ryan had hosts of friends, and that the Jameses, whom I had denounced, had never been proven to be guilty of any wrong doing—that they were related to some of our most respected families, and numbered among their adherents some of our wealthiest and most influential citizens. This was done apparently in an effort to over-awe me, but was intended mainly for the jury. In reply to so much of it as was aimed at me, I have simply to say, and I believe this jury shares my sentiments—that as a sworn officer of the law, I defy the cohorts of this defendant. I defy Jesse James and the defendant himself, and Ed Miller and Dick Liddil and old Grimes—whose real name Bassham does not know—the men who by the testimony of Bassham participated in this dastardly deed. I defy all who uphold them in their nefarious calling of death and plunder, and in the pernicious work of bringing shame and disgrace upon the fair name of our State. If I thought as opposing counsel does I would borrow the exclamation of Cicero in the prosecution of Cataline: *O tempora! O mores! O the times! O the manners!*

But counsel is badly mistaken in the temper and morality of the people of Missouri. He is oblivious to the determination of a courageous citizenship and blind to the purifying lights which are streaming all about us.

I will say here and now to this defendant and to all who entertain a like ambition: You may mask your faces, place obstructions upon the track and rob one of our railway trains, but there is a train you can never stop: it is the grand resplendent train of modern progress and civilization. The piston rod of its engine is the strong arm of the law and into its cylinders is breathed the pent-up fury of an outraged people. Its vast wheels will crush your obstructions as sand upon the rail, and its blazing headlight will burn the masks from the faces of midnight assassins. See the white steam floating toward the clouds! Hear the shrill whistle sounding! Listen to the great bell ringing! Clear the track or be forever crushed beneath its wheels! You may shoot down the engineer, the judge of this court, but another will take his place, and on the train will go. The assassin's bullet may pierce me, the humble fireman standing here in the cab, but a better and braver man will take my place, and on the train will speed with increasing glory and irresistible power.

Gentlemen my task is ended. I commit the cause of law and order and the honor and fair name of a glorious people to your keeping. May God fill your hearts with courage and lead you to a righteous verdict.

Note:—For a full account of the William Ryan trial and the Frank James trial, see "Autobiography," this book.

TRIAL JUDGE AND LAWYERS IN FRANK JAMES CASE.



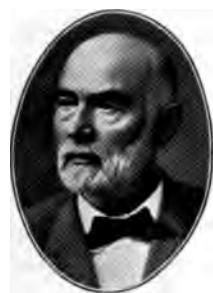
H. C. S. GOODMAN,
The Trial Judge.



WM. D. HAMILTON,
For the State.



J. H. SHANKLIN,
For the State.



J. F. HICKLIN,
For the State.



H. C. McDUGAL,
For the State.



WM. H. WALLACE,
For the State.



CHARLES P. JOHNSON,
For the Defense.



JOHN F. PHILIPS,
For the Defense.



JAMES H. SLOVER,
For the Defense.



C. T. GARNER,
For the Defense.



J. W. ALEXANDER,
For the Defense.



WM. M. RUSH,
For the Defense.

SPEECH IN FRANK JAMES CASE

THE TRIAL.

The trial was held before Judge C. H. S. Goodman, commencing August 21st and ending September 6, 1883. The following were the attorneys. For the State: W. D. Hamilton, Prosecuting Attorney Daviess County, Mo.; Col. J. H. Shanklin, Trenton, Mo.; M. A. Lowe, Trenton, Mo.; H. C. McDougal, Gallatin, Mo.; J. F. Hicklin, Gallatin, Mo.; William H. Wallace, Prosecuting Attorney of Jackson County, Kansas City, Mo. For the defense: Wm. M. Rush, Gallatin, Mo.; John M. Glover, St. Louis, Mo.; J. H. Slover, Independence, Mo.; Gen. C. T. Garner, Richmond, Mo.; Judge John F. Philips, Kansas City, Mo.; Gov. Chas. P. Johnson, St. Louis, Mo.; J. W. Alexander, Gallatin, Mo. Nine speeches were made, Mr. Wallace's being the closing one. The *Kansas City Times*, *Kansas City Journal*, *St. Joseph Gazette*, *St. Louis Republic*, *St. Louis Globe-Democrat* and *St. Louis Post-Dispatch* had representatives at Gallatin during the entire trial. The following are extracts from the comments of these papers:

"Mr. Wallace's speech was one of remarkable force and power."—*Kansas City Journal*.

"Mr. Wallace's speech was the great feature of the trial, and good judges declare they never heard it surpassed for vigor, evenness, power and eloquence."—*St. Louis Globe-Democrat*.

"The speech was not completed until 12:15, and is pronounced by the attorneys here as one of the most forcible efforts ever made in a murder case in this State. There was enthusiastic applause at the close of the speech. Mr. Wallace was warmly congratulated by his friends. The effort is pronounced the best of the case."—*St. Louis Post-Dispatch*.

"At noon to-day Mr. Wallace completed the argument in the Frank James case with a speech that would have done credit to any man in the country, whatever his name or reputation, and which will always shine out as the most admirable and conspicuous feature in the history of this most remarkable trial. It was a delightful surprise to the most enthusiastic of Mr. Wallace's friends, and in its effects was far more damaging to the defendant than all the testimony which had gone before it."—*St. Louis Republic*.

"Defendant's counsel thought to forestall Mr. Wallace by warning the jury against invective and abuse, but the absence of these qualities only tended to make his speech more effective than it otherwise would have been. His logic was convincing, his pathos deeply affecting, and his burlesque sweeping. Toward the close of his speech the crowd increased to almost that of yesterday in size.

The least that can be said is that Mr. Wallace's speech was a great one, surprising not only those who knew the powers of the man, but his friends as well."
—*St. Joseph Gazette.*

"During the interval nothing but Wallace's speech was spoken of or talked about, and the general verdict was that he had now the laurels, that his head was wreathed; while Colonel Phillips and Governor Johnson must take second place. Without doubt Mr. Wallace's speech was in every point—legally, forensically, in imagery, in rhetoric and in strong argument, and in turning the argument of his opponents to his own advantage—not only a great, but a surprisingly wonderful effort. So the public say, without excepting even the most ardent friend of the defendant."—*Kansas City Times.*

At the close of the trial citizens of Gallatin presented Mr. Wallace with a fine gold watch and chain, which being declined, the money was used in publishing his speech, which had been taken by a stenographer.

Senator John J. Ingalls of Kansas, after reading this speech, pronounced it "one of the finest productions in the English tongue."

THE ARGUMENT.

THE COURT: Mr. Wallace, proceed with your argument.

GOV. JOHNSON: Your honor, I would suggest that, to save interruptions, any exceptions to the language be noted without open objections being made.

THE COURT: The only thing in the way of that is, that your memory might be better than the memory of the court.

GOV. JOHNSON: The record will show the exceptions, your honor.

THE COURT: Such will be the rule if Mr. Wallace has no objection.

MR. WALLACE: I have no objection.

MR. WALLACE'S ARGUMENT.

May it please the Court, and you Gentlemen of the Jury:

APPEARING in this case as one of the prosecuting attorneys of our State, but in a county foreign to my own, I will not assume to use so holy a word as *duty*, but simply say that it now becomes my *province* to sum up the evidence for the prosecution, and to the best of my ability explain to you the law as declared by the Court. You will be kind enough to accept at my hands the sincere thanks of the people of this great Commonwealth for the respectful attention you have given to all the details of so long a trial, and the fortitude with which you have borne the tremendous strain upon your patience and your strength. Our friends upon the other side have consumed over twelve hours in addressing you in behalf of their client; of which no complaint is made—it is right they should. The State has occupied about six hours, and I can only assure you that I will be as brief in the conclusion as the vast task committed to my charge will permit.

It seems to have become the fashion in this cause for gentlemen to explain or apologize for their connection therewith, and some have gone so far as to deal in personal history, and to tell you beneath what banner they drew the shining blade in the unfortunate "war between the States"; and to dwell at length upon their attitude and feelings toward the defendant then and now. Raised in a homely way, gentlemen, I am not much of a hand at explanations and apologies, and do not feel, in fact, that justice is asking any from me. All I have to say is, that I am here first, by invitation from your excellent prosecutor, Mr. Hamilton; and second, because I feel that an obligation exists between me and the law-abiding people of my county, that having from the very beginning borne an humble part in assisting to rid the fair State of the worst band of outlaws that ever cursed a commonwealth, I should remain true to my course to the end. As for the war I am truly thankful that I was too young to have received a scar either in body—or what is worse and more lasting—in mind. I can only say, gentlemen, that with the wondering eyes of a boy, just in his

"teens," I saw enough to know and appreciate the motive of the counsel for the defendant in going outside of the law and the evidence to mention the "swords," and "flags," and "animosities" of a "cruel war" in a court of justice—enough to know at least the tremendous sympathies and prejudices they would awaken in your breasts by bringing its horrid scenes afresh to your memories. I can only say, that on the border of our State, where the red lightning of murder played the fiercest along the Western sky and the dogs of war were turned loose on defenseless women and children, I saw it all; when torch, and fire, and sword, and rapine, and pillage, and plunder, and robbery, and murder, and assassination were abroad in the land; when sabred horsemen shot across the prairies and devouring flames leaped from farm to farm and house to house, until both earth and sky seemed ablaze with living horrors—I saw it all; and like a vast panorama it rolls before me as I speak. I can only say, to quit a subject improperly interjected into this case, that when almost the last vestige of property was swept from our house, a gentleman who wore the same Federal epaulets that Col. Philips wore and fought beneath Col. Philips' "flag," issued a cruel order by which we were denied the poor privilege of dwelling as paupers under the old family roof; and with not enough of substance to provide against the storms and hunger of coming winter we turned our backs upon as fair a land as ever greeted the rising sun, to wander as outcasts and refugees in the world—and from that day to this unceasing labor has been my master, and ease, as a friend, buried in my youth. But this I know was the stern fate of war; and if there is to-day in this heart of mine the slightest feeling of hate or prejudice for any man, for anything that then occurred, as God is my judge, I do not know it. And I sincerely trust, gentlemen, that wherever you may have been in that dark hour, or whatever may have been your experience, your regard for your oaths will now be such, that all attempts to kindle in *your* hearts the hates of other days will be hurled back by you as insults to your honor, your intelligence, and your conscience. As for me I am truly thankful for such an experience. I look up and thank my God that He led me through fire and blood, adversity and prosperity; for while it may not have made me a better man, it has certainly cast about me a rough armor, panoplied with which I care but little for the threats, and shafts, and storms of life. But enough of an issue buried twenty years ago, and whose skeleton never should have been rattled in a court of justice.

Some of the attorneys for the defense are loud and long in their complaints that your worthy prosecutor is assisted in this case. Compare, I pray you, gentlemen, the number and attainments of the counsel on either side, and see whether or not there is just cause for such complaint. Compare the plain men appearing for the State with the shining orators pleading the defendant's cause. And here you may catch at the outset a glimpse of their client's innocence, according to his own estimate. Innocence has a voice more tender and eloquent than that of any earthly orator, and yet he was unwilling that this voice should come to your ears through attorneys in ordinary numbers and of ordinary ability. He first employs Mr. Rush, one of the most industrious and accomplished lawyers at your bar, that all matters of local import—such as the selection of the jury from the panel, the suggestion of such matters as would appeal to their sympathies, and so on—might be skillfully attended to. He then goes to St. Louis in his search and employs Mr. Glover, a young man whose opportunities have been such that he by himself should have been more than a match for your humble speaker, whose presence here has been so much criticised and bemoaned; a young man who has been reared in the very center of learning and refinement, in the midst of splendid libraries, and surrounded from childhood up by all the educational facilities that fond and prosperous parents in a great city could afford; a young man whose attainments compare with mine as the star-decked firmament compares with a barren, uncultivated waste lying on the earth beneath. Still the defendant is not satisfied, and he employs General Garner, the grim old lion whose deep voice has been heard reverberating in all the courts up and down the Missouri Valley for thirty years or more, and beneath whose thunders I trembled when he turned upon me, for it is said he has been accustomed for a long time past to eat a young lawyer raw for breakfast whenever his appetite called for so delicate a dish. Still he is not content, and he crosses the river and comes to Independence, and my friend, James H. Slover, a lawyer of large experience, somewhat young in appearance but Nestor-like, brave in battle, cool in judgment, and wise in counsel, is added to his list.

Immaculate innocence still cries out for advocates, and John F. Philips is engaged; a man whose bell-tones have reverberated in the halls of the National Congress, and whose reputation as both a civil and criminal lawyer extends throughout the West;

a man who—to use Robert Emmet's figure—if all the innocent blood he has caused to go unavenged were collected in some vast reservoir, his lordship might swim in it. Still the defendant wants one more, and Charles P. Johnson, an ex-lieutenant governor of the State, whose fame as a criminal lawyer is bounded only by the Mississippi on the east and the Rockies on the west, is besought to come and plead his cause. He comes, as if looking to higher fields, to make the shining final effort of his life, and show all the world how with skillful hand he could snatch the greatest of all criminals as “a brand from the burning”; comes as if for four short hours to exert his magic power in your Court, and then—laughing at the foolish jury he left behind, return and enter the gates of his adopted city like a triumphant Achilles with the poor body of blind justice, Hector-like, bound by the cords of his eloquence, and dead and dangling at his chariot wheels. Such, gentlemen, are the giants whom the prisoner has called forth to fight his battle with the law. I describe them one by one, that you may know and understand the tremendous forces that are about you, lest unwittingly you be borne from the path of duty in the whirlwind of their eloquence and power. All during the trial you watched them as they grasped at straws, or placed their mighty forms in line in the vain attempt to stay back the relentless tide of evidence, as it came pouring in for the State. You, gentlemen, are the twelve pillars upon whose shoulders, for the present at least, Missouri's temple of justice is made to rest, and you could not help but notice how these men in the final argument, like blind Samson groping in the dark, reached out to find you, threw their brawny arms about you, and to secure a firmer hold, thrust their fingers into every niche and scar left upon you by the bullets of “a cruel war.” Stand firm in your places as they press against you, lest you and they, the fair name of our State, and all that is nearest and dearest to her people, perish in the ruin that ensues! So much for the attorneys.

Who are the parties to be considered in this most important trial? To come to an impartial and intelligent verdict it is well to bear them all in memory. The first one that presents himself to an unprejudiced mind is Frank McMillan, but it has been so long since you have heard his name that I almost feel like apologizing for its mention. But it can do no harm—nor good. For two years his voice has been hushed in death; and even if I so desired, I could not now catch up the faintest echo of his dying shriek and sound it in your ears, pleading for pity from your

hearts, or justice at your hands. He was a poor, innocent, insignificant stonemason, who, in the summer of 1881, with the pale blood oozing from his brain, was laid away to rest; and for days have the gifted attorneys of his "gallant" slayer tread above his ashes, with scarcely a whisper of his fameless name. The evidence shows that he, too, had a wife, plain, humble woman, no doubt, dependent upon his daily toil for the food she ate and the raiment she wore. Even now, while I speak, with tattered garments and streaming eyes she may sit upon his tomb, trying to fathom that mysterious Providence by which her stay in life lies slumbering in the grave, whilst his murderer sits at his trial "the observed of all observers"—"the most remarkable man of the age." Let her sit there, gentlemen. We have not brought her here as is oft-times done, in piteous, disconsolate widowhood, to crave your sympathy. Let her sit there. Though her heart be as lonely as the graveyard about her, and her hands as chilly as the rough, rock slab upon which she sits, we do not ask even the poor privilege of bringing her here, to warm for one moment the tips of her fingers at the glow of your hearts.

The second and most prominent party in the case is the defendant himself. His attorneys, as if expecting a response in your breasts, have showered upon him the tenderest touches of pathos, and bestowed the highest encomiums on his life and character—one of them, Mr. Rush, boldly pronouncing him "one of the most remarkable men of the age." For myself, I have simply to say that I neither love, hate, pity nor admire him. He is simply to be regarded as a full matured man of forty, to whom God has given more than ordinary intelligence, but who has set at naught the laws of his country, willfully and deliberately filled his pockets with the spoils of robbery, and bathed his hands in human blood. "One of the most *remarkable* men of the age!" In the name of all the gods who sit on Mount Olympus, in a breath, *remarkable* for what?—charity? benevolence? self-abnegation? profound learning? business enterprise? inventive genius? patriotism? statesmanship? piety—what? I may not answer the question without departing from the record, and I leave it where it was suggested—in the distorted fancy of hard pressed attorneys. For fifteen years, they tell us, he has skillfully evaded the officers, the detectives, the lightning of the telegraph, and all the machinery of modern government; and now that at last he has been overcome, vengeance should be melted into pity, and jurors

should bend the knee and acquit him, regardless of law or evidence.

Fifteen years for evasion, gentlemen, means fifteen years for deliberation, reflection, repentance, departure to far-off climes, and that he is placed in his present predicament he has nobody to blame but himself. According to the witness, O'Neill, he considered long and well, whether it was safest to brave the dangers that beset him in the black night of barbarism, or, taking his chances, with one leap place himself in the full day and blaze of civilization; and if in the undertaking he perishes, as the night-bug perishes when it darts into the glare of the electric light, he has nobody to blame but himself. If after all these years spent without the walls, he suddenly resolves, as if he had done nothing, to pass in and enjoy the sweets of the Eden of civilized life, and the sentry angel who guards the entrance, seeing his garments dyed with blood, strikes him down with the flaming sword of justice as he passes, he has nobody to blame but himself.

A third party, who, though not a party to the record, is touchingly presented to your view by opposing counsel, is the defendant's wife. And while I may run contrary to the wishes of my associates and to the will of the good people of Daviess County—even should I run the risk of losing the case by so doing—I want to say, that I have in this prosecutor's heart of mine the profoundest sympathy for the defendant's wife. Accustomed all the year around to scenes like this, I have never yet seen the time, when a woman similarly situated did not have the tenderest pity of which I was capable. I am glad she is here, standing by her husband in his trial, and I am as willing you should extend to her your sympathies, as any attorney in the case. When the welcome day shall come and I shall cease to be a public prosecutor, I shall at least have learned, what I might never have learned, in purer spheres of life—and that is, that the truest, grandest, most unchanging thing beneath the stars, is a woman's love. Let a man once reign as king in the heart of a true woman, and she is blind to all his faults, or all his crimes. He may pillage, plunder, burn, rob; he may shed blood until he sits at his trial as a red-plumed murderer, and justice, and all the world look on and condemn, but she sees it not, and will ask to sit by him—and, as I have often known them to, plead with the jailer to go with him to his cell, to share his bread and water, and greet as sweetest music the screech-

ing of his prison doors. Yes, true to the instincts of a woman's heart, even Frank James's wife clings to him, and I am glad she does. There is one reflection, however, gentlemen, which in these cases, always comes home to a sworn officer, and I trust has already come home to you, as sworn jurors, in the discharge of public duty. I can better illustrate it than describe it. Husband and wife are gathering flowers on the brink of an awful precipice. The husband unmindful of the law of gravity, carelessly, to complete the comparison I will say, deliberately, steps beyond the line of safety, and in an instant is hurling downward. The wife may wring her hands and call on nature to stay her law, she may send after him the warmest, most loving tears, but they will never catch him; nature with her law goes right on, and he is dashed in pieces on the rocks beneath. A little child, just learning to control its body, is crawling on the floor; it gets hold of a dose of poison, secreted for another purpose, and swallows it; in a few moments it is in the throes of death. Loving father does what he can to save it; devoted sister tries to arouse it with tenderest kisses on its cheeks; heart stricken mother implores a God of mercy to change His law making poison poisonous, and save her child—but all to no avail; the law of nature goes right on, and the infant is made a corpse. As in the physical world God has set in motion certain unchanging laws which have marched on without exception since the birth of time; so, and for greater reason, has He promulgated certain great laws in the moral world, which throughout the ages are to remain eternal, immutable, inviolable. One of these laws, as if to show its immutability, He wrote with His own finger on enduring marble, in the words, "Thou shalt not kill," and elsewhere added the penalty to be inflicted by human agency. "He that sheddeth man's blood, by man shall his blood be shed." A legislature representing a Christian civilization has taken that law and its penalty and embodied it in the statutes of the State of Missouri, and the Court has declared it to you in these instructions. Frank James, as will appear when we come to the evidence, has willfully and deliberately broken that law—the law of both God and man; and while you may justly pity wife and child, immutable law should go right on. You cannot on your sacred oaths do otherwise than inflict the penalty he so richly deserves. So much for the parties in the case.

Hours are spent, gentlemen, in telling you this is a railroad prosecution. This, of course, is a direct appeal to the supposed prejudice of a jury of farmers against railroad corporations.

So far as I am concerned I care nothing about the Rock Island Railroad Company, and represent it in no way whatever. If I have a relative or special friend on earth that ever had an interest in a railroad, or ever saw a railroad bond I do not know it. I paid my way over this road to your county, and expect to do the same on my return. A great ado is made about witnesses having passes. I proclaim publicly more than was proven—that I requested, obtained and handed passes to witnesses. A railroad that would refuse to do as much to obtain witnesses from other states who would not advance their own expenses, after its conductor had been murdered at his post and the lives of passengers endangered, ought to have its charter revoked and its track torn up by an indignant people. But I say to you that I have nothing to do with any railroad in this case. If the Rock Island Railroad had bridged its way across some vast chasm in your county, deeper than an Ashtabula, and Frank James had stolen up and burned that bridge, and all the trains on all its lines, without the loss of life, had been hurled head long therein, until the yawning gulch was filled with hissing engines and crackling timbers, the railroad might look after its property. I would not be here to assist. Yes, if all the papers, records and bonds of all the railroads in the Union were collected here in some great storehouse, and, like the benighted "crank" who burned one of the greatest temples of antiquity in order to hand his name down the centuries, Frank James, with lighted torch, should come hither in the midnight and fire the mighty structure, until the red flames reached through the clouds and on towards the stars—that would be a stupendous crime, but the railroad might look after their property; I should not stir one foot out of my county as a volunteer in their behalf. Oh, no, gentlemen of the jury, this is not a prosecution for the protection of railroad property, and you know it. This is another skillful appeal to the demon of prejudice, and you know it. With admirable cunning they would point you to the magnificent cars, take you inside and show you the beautiful red varnish on the seats and sides and say, "This is what this prosecution is meant to protect." But come with me to the rear end of the "smoker"; behold the platform and steps and hard by the black soil of free Missouri, each painted red with the life blood of an immortal being, every drop of which is more precious than all the railroads in the world, and let me explain to you, "Here is the only issue you are summoned to try." Did you say *only* issue? No, not the only one. If that were so, this would be but an ordinary trial for murder. But

precious as is the life of an American citizen, there is a deeper, grander issue here than that. The supremacy of the laws of Missouri and the strength and dignity of her courts are at stake. Not only the life of a human being, but the very life of the law itself is put in issue in the eyes of the world. For fifteen years, it is boasted, has Frank James successfully contended with the officers, the exponents of the law; and now with bold and uplifted front he comes of his own accord into a court of justice, throws down the gauntlet, and proposes to grapple with the law itself; and the question you are to decide is—*which is the stronger in Missouri, the arm of the bandit or the arm of the law?*

Let us now look at the instructions, and then at the evidence. The assertion is ventured that no one of you has ever attended a trial in one of our courts, in which the counsel for the defense said so little about the instructions. They embody the "law" referred to in the solemn oath you took at the beginning of your labors. They are sign-boards set up along the highway of truth to guide you to a righteous verdict. The first instruction on behalf of the State reads as follows:

"First. If the jury believe from the evidence that the defendant Frank James, in the month of July, 1881, at the county of Daviess, in the State of Missouri, willfully, deliberately, premeditatedly and of his malice aforethought, shot and killed Frank McMillan, or if the jury find that any other person then and there willfully, deliberately, premeditatedly, and of malice aforethought shot and killed said Frank McMillan, and that the defendant Frank James was present, then and there willfully, deliberately, premeditatedly, and of his malice aforethought aiding, abetting, or counseling such other person in so shooting and killing Frank McMillan—then the jury ought to find the defendant guilty of murder in the first degree."

You will see that this instruction is drawn in the alternative. If Frank James, with his own hand, in the manner described, shot and killed McMillan, he is guilty; or if "any other person" in the manner described shot and killed McMillan, and Frank James was "present, aiding, abetting, or counseling" such other so to shoot and kill, then he is equally guilty. And right here on this instruction there has been a good deal of technical gimlet-boring, with a small gimlet, by the defense, in the vain effort to effect some small aperture through which the jury may creep, and let the defendant out of his predicament. It is contended that this is a trial for murder, not for robbery, and that inas-

much as no eye-witness comes and swears that the defendant was the particular robber who fired the fatal shot—even granting he was there—he ought to be acquitted. This is what lawyers call a “glittering technicality”; a plain, honest man would say the glittering dagger with which the heart of Justice is too often stabbed in her own courts. Over against this hair-splitting reasoning let us set a very simple proposition. Let us stop up these gimlet holes with the kind of stuff common sense is made of. Five men rob a train; all five of them have navy pistols strapped to their persons, loaded and charged with powder and ball; a man is killed in that robbery, and the human mind exclaims instinctively—they are guilty, every last single one of them. They came prepared to kill. They did kill. It is murder. By the evidence, in a distant State the horrible crime was concocted; bent on plunder and death, they traveled a thousand miles to the scene of action; each man is loaded with extra rounds of cartridges, and each knows that his companions are similarly equipped; they appear upon the horrid scene brandishing in their hands the implements of death, rubbed and burnished till they glisten in the lamp light; they shoot at forehead or heart of victim with the unerring aim of an Indian at a tossed-up coin, and I will tell you, gentlemen—not to recur to this point again—it was murder in them all, damned and foul, and you can make nothing else out of it.

Now you notice this first instruction says if defendant *“willfully, deliberately, premeditatedly and of his malice aforethought shot,”* etc. By these terms you are to understand that under our law, in all cases where a deadly weapon—such as a pistol or bowie knife—is the means of death, and the killing is not connected with the commission of some other crime, there are four elements necessary to constitute murder in the first degree: First, willfulness; second, deliberation; third, premeditation; fourth, malice, or malice aforethought. As our law proceeds on that known maxim of moral philosophy that no act has in itself any moral quality, but depends entirely upon the mind, or absence of mind, of the actor, as to whether it is to be considered with or without moral quality, these terms all apply to the mind or mental condition of the slayer at the time the act of killing is committed. *Willfulness* does not mean *stubbornness, doggedness, unreasonableness*, as we understand it in common parlance. It means that the killing must come from intention, and not from accident; that there is an intelligence back of the act purposing and intending its commission; to be explicit, that an intention exists in the brain

of the man to do that which his hands are executing. *Deliberation* is a wider and more abstruse term than any of the others. In the language of one of our later decisions—copied by the Court in this case—it means “in a cool state of the blood; that is, not in sudden passion caused by a lawful provocation or some just cause of provocation.” As I take it, deliberation comes from the mental *status* in which the slayer considers and looks upon the deed at the time of its commission, and we are to view him in the light of all the attending circumstances. If at the time he does the deed his faculties are in their normal condition, and performing in proper degree their usual functions (or are distorted alone through his own fault at the time), and no cause extraneous to himself destroys the equilibrium, and he weighs and considers what he is doing, if only for a moment—deliberation exists, and the killing is murder in the first degree. If, on the other hand, causes extraneous to himself are at work, such as a slight blow given to the person or words used so vile and insulting as to touch to the quick his pride of feeling, and thereupon that passion common to us all rages so like a storm in his breast that the voice of reason crying, “peace, be still,” is unheard or unheeded, and at the instant he kills his adversary, then the law in its humanity excuses, though it does not justify, and the homicide, in Missouri, is murder in the second degree, or manslaughter, as the provocation consisted in words or slight violence. But it is useless to attempt further explanation of this term, as the Court has prevented any argument as to the existence of deliberation, by the words “and the Court instructs you that in this case there is no evidence tending to show the existence of any such passion or provocation.” It is easy to understand what is meant by “*premeditation*.” Its import is in precise accord with its Latin derivation, meaning “thought of before.” It is the conclusion of the mind to do the act, antedating the act (as, of course, it must) for any length of time, “however short.” When the words “I’ll kill him” have been uttered in the mind, *premeditation* exists; and it makes no difference whether the man is at the time in cool blood or in passion caused by a just provocation. Here you are able to distinguish a wide difference between *premeditation* and *deliberation*; the former may exist in both states—“cool blood” and the “passion” described; the latter only in a cool state of the blood, unless, perchance, a man’s blood “boils” from his own viciousness, when the law makes no excuse for him whatever.

Malice, from *malum*, meaning “badness” in the abstract, is

here used to denote badness in the concrete, namely, a state of badness, in reference to human law, existing in the mind of a being responsible to that law. It does not mean *s spite*, or *ill-will*, or *hatred* to any one as we usually understand it, but refers to a state of the mind—a state of mind, as indicated, out of harmony with good government and the laws of the land; such a state of mind as man is in when he intentionally does what he knows to be wrong. That I have explained these terms correctly you can see from the reading of the second instruction, which is as follows—the Court using adverbs where I have used the nouns:

“*Second.* The term ‘willfully,’ as used in these instructions means *intentionally*—that is, not accidentally.

“*Deliberately* means done in a cool state of blood, not in sudden passion engendered by a lawful or some just cause of provocation and the Court instructs you that in this case there is no evidence tending to show the existence of any such passion or provocation.

“*Premeditatedly* means thought of beforehand any length of time, however short.

“*Malice* does not mean mere spite or ill-will as understood in ordinary language, but it is here used to denote a condition of mind evidenced by the intentional doing of a wrongful act liable to endanger human life. It signifies such a state of mind or disposition as shows a heart regardless of social duty and fatally bent on mischief.

“*Malice aforethought* means malice with premeditation, as before defined.”

The third instruction is given on the second or “robbery count in the indictment, and is as follows:

“*Third.* If the jury believe from the evidence that defendant Frank James, with Wood Hite and Clarence Hite, or with any of them, and others, at the County of Daviess, in the State of Missouri, in the month of July, 1881, made an assault upon one Charles Murray, and any money of any value then in the custody or under the care or control of said Murray, by force and violence to the person of said Charles Murray, or by putting him, the said Charles Murray, in fear of some immediate injury to his person, did not steal and carry away; and if the jury also believe from the evidence that defendant, Frank James, in the perpetration of such robbery with malice aforethought, as before defined, willfully shot and killed Frank McMillan—then the jury ought to find the defendant guilty of murder in the first degree.”

This instruction needs but little explanation. It is the in-

struction in the light of which you are to view the whole evidence—as to robbery, killing, and all that transpired. You will perceive that by this you need not find the existence of either deliberation or premeditation. It is given in accordance with the law as it now stands in Missouri—that a homicide committed in the perpetration of a robbery is not necessarily murder in the first degree. If the killing is purely an accident, that is, is no part of the plan of the robbery, and not what the robbers should have known might be a natural result from the manner of their crime, then it is still murder, but not murder of the first degree. If, however, under this instruction, you simply find that the killing was done in the perpetration of a robbery, and willfully in malice, then you are bound to say in your verdict—it was murder in the first degree; and to my way of thinking common sense presumes in a robbery like *this* that the perpetrators act willfully and in malice as to the whole transaction. A train robber, armed to the teeth, and knowing that death so often comes as a natural result from this class of crime, ought to be hung if his pistol explodes in its scabbard from spontaneous combustion, and kills an innocent passenger.

The fourth instruction reads as follows:

"Fourth. If you find from the evidence that the defendant, Frank James, at the County of Daviess, State of Missouri, in the month of July, 1881, shot and killed Frank McMillan, and that the act was done neither with the specific intent on the part of the defendant to kill any particular person, nor in the perpetration of a robbery, yet if you further find that defendant was then and there recklessly, intentionally, and with malice firing with a deadly weapon, to-wit, a pistol, into or through certain cars of a railway train containing a number of passengers, and those in charge thereof, and that while thus firing, said Frank McMillan, being on said train, was shot and killed by defendant—then you will find defendant guilty of murder in the second degree. O should you find from the evidence that at the said time and place said McMillan was shot and killed by any person or persons whomsoever, and that such act was done neither with specific intent on the part of such person or persons to kill any particular person, nor in the perpetration of a robbery, yet if you further find that such person or persons were then and there, recklessly, intentionally and with malice, firing with a deadly weapon or weapons, to a pistol or pistols, into or through certain cars of a railway train containing a number of passengers, and those in charge thereof,

and while thus firing said Frank McMillan, being on said train, was shot and killed by such other or others, and that defendant was present then and there recklessly, intentionally, and with malice aiding, abetting, assisting and counseling such other or others, so to fire into or through said cars—then you will find defendant guilty of murder in the second degree."

This instruction is given out of the abundance of the humanity of the law, and of the Court declaring it. There is a class of cases of murder in the second degree in which the malice in the human heart does not assume any shape with reference to the specific act of killing. If I may so express it, when the poisonous soil of malice does not shoot forth a specific intent to kill the person slain or to kill any person at all. These cases occur when the slayer is recklessly and intentionally engaged in a wrongful act and one known to be dangerous to human life, and death is the result. Here the intent to do the wrongful act is taken away from the wrongful act, and by a law of substitution put over against the killing, and it is murder in the second degree. As where an unnatural mother, desiring to get rid of her child, but not quite heartless enough to destroy it with her own hands, leaves it in an orchard, and a kite kills it; or where the artisan, not caring whether he kills or not, rolls a stone from his wall into a crowded street, and a passerby is slain; or where a man recklessly and intentionally shoots into a crowd, and death ensues—in all these cases it is murder in the second degree. So in this case should you find the killing of McMillan was not a part or parcel of the robbery or of the regular plan; that it was a kind of side play; that the act was not done with specific intent to kill; that defendant was recklessly firing down the car to frighten the passengers, not caring whether he killed or not, or was present comforting or aiding others so to do—then it is murder in the second degree, and you should so find in your verdict.

"Fifth. The jury are instructed that by the statutes of the State the defendant is a competent witness in his own behalf, but the fact that he is a witness, testifying in his own behalf, may be considered by the jury in determining the credibility of his testimony."

You have heard a great deal about the testimony of an accomplice, about the tremendous motive for such an one to commit perjury in his desire to escape the terrors of the law. What about Frank James's testimony? The Court tells you he has a

right to testify, but you have a right to consider his situation. Is there any motive here for falsehood? His life is at stake, and he sits in the witness chair with the fearful picture of the gallows constantly before his eyes. If ever a man would swear falsely it is then. "But our client is a knightly, chivalric hero, who fears not the king of terrors," I hear them say. This sounds very well in talk or in yellow-back literature, but it is a known fact among officers, gentlemen, that men of the defendant's class do not differ from the ordinary run of humanity, and when their own time finally comes, they are usually as timid as anybody. They may put on a bold exterior at the trial, but the heart within is trembling for its fate like an aspen leaf, and oftentimes, when convicted, and the dread hour arrives, they who have waded without a tremor, through rivers of blood, shudder and break completely down ere the first ripple of their own cold Lethe has touched their feet.

"Sixth. The jury are further instructed that to the jury exclusively belongs the duty of weighing the evidence and determining the credibility of the witnesses. With that the court has absolutely nothing to do. The degree of credit due to a witness should be determined by his character and conduct, by his manner upon the stand, his relation to the controversy and to the parties—his hopes and his fears, his bias and impartiality, the reasonableness or otherwise of the statements he makes—the strength or weakness of his recollection, viewed in the light of all the other testimony, facts and circumstances in the case."

This instruction is easily understood. Your attention is now called to these words used in this instruction: "The degree of credit due to a witness should be determined by his character and conduct, by his manner on the stand, his relation to the controversy and the parties;" you remember the witnesses as to the defendant's *alibi*—brother-in-law, sister, brother, mother—no others.

"Seventh. In considering what the defendant has said after the fatal shooting, and previous to the time of his testifying in this case, and with reference to any material matter in issue, the jury must consider it altogether. The defendant is entitled to the benefit of what he said for himself, if true, as the State is to anything he said against himself in any conversation proved by the State. What he said against himself in any conversation, the law presumes to be true, because against himself; but what he said for himself, the jury are not bound to believe, because said in a conver-

sation proved by the State. They may believe or disbelieve it, as shown to be true or false by all the evidence in the case."

The rule of law contained in this instruction is based on the known selfishness of mankind. If a man who has done wrong can say anything in his own favor, he is apt to do it—sometimes true, oftener, if his crime is great, it is false. What he knows against himself he is going to keep, unless the heart is so full and a guilty conscience gnaws with a tooth so sharp that he tells in spite of himself, and then the law presumes it to be true. If Frank James, just after the Winston robbery, said to Jesse James, "Why in the world did you kill that man; if I had thought there was going to be any blood shed I would never have gone into the affair," it was testimony manufactured in his own favor. Its absurdity, if nothing else, shows this. Frank James, who knew Jesse James better than any living man—Jesse James, whose victims, shot down in robbery, are sleeping throughout the Mississippi Valley—Frank James "backs" Jesse James in the commission of a robbery, and when, as usual, a man is murdered, turns around and says: "If I had thought there was going to be blood shed I never would have gone into the affair." As I have touched this bit of testimony somewhat out of my regular order, let us finish it, lest I worry you with its repetition when I come to the evidence. It has nothing to do with the legitimate evidence in the case, anyway, and has simply been lugged in here in the vain attempt to contradict Dick Liddil by the governor of the State. You remember the whole of Governor Crittenden's testimony was, that just after Liddil's surrender he talked twice with him at Jefferson City, once when he came with Commissioner Craig, and once when he came with Sheriff Timberlake; that in one of these conversations he said to Liddil, "Why was that innocent man on duty killed?" and that Liddil replied, that after the robbery was over he heard Frank say to Jesse, in Missouri, "Why in the world did you kill that man? If I had thought there was going to be any blood shed I would never have gone into the affair." This is all of the Governor's testimony. Liddil denies this, and I honestly think the Governor has the matter a little mixed in the multitude of details given him by Liddil. But, admitting it is true, it has absolutely nothing to do with the case. "Why was that innocent man on duty killed?" That referred to Conductor Westfall. McMillan was not on duty. The whole thing related to Westfall, killed by Jesse James and not to McMillan, killed by Frank James, and for which he is now being tried. They do but

one thing by the Governor, and that is to show, indirectly, but unmistakably, by their own witness, that Frank James was in Missouri in 1881, and participated in the Winston robbery; that Liddil told him so before Jesse was killed or Frank had given himself up, or there was any motive on earth presented for Liddil to tell a falsehood, his very life and liberty depending by the contract in such cases upon his telling the truth.

"Eighth. The jury are instructed that the testimony of an accomplice in the crime for which the defendant is charged, is admissible in evidence, and the degree of credit to be given to the testimony of such accomplice is a matter exclusively for the jury to determine; the jury may convict on the testimony of an accomplice without any corroboration of his statements, but the testimony of such accomplice as to matters material to the issue, if not corroborated by facts and circumstances in proof, should be received by the jury with great caution."

This instruction will be read and discussed in connection with the evidence.

"Ninth. If the jury entertain a reasonable doubt as to defendant's guilt, they should find him not guilty, but to authorize an acquittal on the ground of doubt alone, such doubt must be real and substantial, and not that there is a mere possibility that defendant may be innocent."

"Well, then," some juror exclaims, "if it all depends on a *doubt*, who can be convicted? We have never seen anything, outside of mathematical demonstration, proven with such certainty that every little doubt was swept from the mind. Why have we been kept here for three weeks if that instruction was to be given?" Such is the view that skillful attorneys would have you take of the law in this behalf; but if you will pause just a moment, you will observe the instruction uses something more than simply the word *doubt*. A man by searching may find in some remote corner of his mind a mere *doubt* as to most anything. In fact some of the greatest men of both ancient and modern times have so puzzled themselves with the mysteries surrounding the existence of mind and matter that they lay it down as a cardinal principle in their philosophy, that "We know nothing beyond a *doubt*." They doubt if they really taste, feel, or see anything; doubt that there is a hereafter; doubt the existence of a God; doubt their own existence. But this is unreasonable; and were others than the eccentric to so reason, all laws and all civilization would soon crumble into dust. You will see the word "*doubt*," as used in the instruction, is quali-

fied and enlarged in meaning by two adjectives, so that the reading is "Such doubt must be real and substantial." This is done, doubtless, for the express purpose of curbing the play of fancy in a juror's mind. What is a "real and substantial" doubt? It is a doubt founded on law and reality, and not on fancy; it is a doubt founded on testimony and substance, and not chased down and caught—you know not where nor how—by a winged imagination. You are all farmers, I am told. One of you is plowing in your field; a neighbor comes sauntering up to you, and when you stop he sits down on your plow beam and says, "What are you plowing for?" If it is for spring time, you say for corn, or oats, as the case may be. But he says, "How do you know you are going to raise anything? I am in doubt this season, and have put my plow under the shed and turned my horses on the range." "Why," you say, "with rarest exceptions, God has always made seed-time and harvest to come—the rains have descended and the sun has shone—and with the great bulk of evidence in my favor, I will plow on and raise my crop." "Sometimes they miss," he exclaims—"I doubt it, I doubt it." This, gentlemen, is an unreasonable, unsubstantial doubt. The man went out of the great weight of evidence to get it. If you acted similarly, you and yours would starve. So, in this case, you can easily adopt different rules from those you are governed by, in the ordinary affairs of life, and shutting your eyes to the great bulk of the evidence, send out fancy—fleeter than a swift-winged Mercury—and she will doubtless bring you back a doubt. But this will not do; it must come from the testimony as a whole, and be real and substantial, to authorize an acquittal.

"Tenth. If the jury find the defendant guilty of murder in the first degree, they will simply so state in their verdict, and leave the punishment to be fixed by the court.

"If they find the defendant guilty of murder in the second degree they will so state in their verdict, and will also assess the punishment at imprisonment in the penitentiary for such term, not less than ten years, as the jury may believe proper under the evidence."

When an instruction like this is read, a juror may say, "There, then, the whole thing rests with me; my God, I don't want to convict anybody; I don't want to deprive any human being of life or liberty—and the whole thing rests on me." This is what skilled attorneys would have you believe; but it does not all rest on you, any more than it all rests on the grand jury who returned the indict-

ment, or the judge who received it, or the clerk who recorded it, or the prosecuting attorney, who signed it. You are simply a part of the criminal machinery to pass upon the facts. If you find the fact to be that the defendant is guilty, the *law* inflicts the punishment, and is responsible for it, not *you*. The judge pronounces the sentence; but not he, nor the jury, but a wise and just law coming to us from our ancestors, and from God Himself to man, carries that sentence into execution. This ends the instructions for the State.

Having looked at the law, let us now examine the evidence of the witnesses. In doing this, gentlemen, you will excuse me, and take it as no reflection upon any one else, when I say that, without skipping about here and there, seemingly for confusion's sake, I will give you in substance all of the testimony of all the witnesses, and as nearly as possible in the precise order in which it fell from their lips. To save time I shall use no notes; in fact, I took none. But I believe I know the testimony, and can give it to you correctly from memory, by the aid of a list of the witnesses. You will excuse me, too, if I speak plainly as I go along, calling things by their right names, for I was raised in the same wild West with these men whose exploits we have been considering, and I strive to talk as they shot—right to the mark.

What is the evidence in this most important case? As the sun is setting in the West, on the 15th day of July, 1881, we see a passenger train rolling slowly under the vast shedway at the Union Depot in Kansas City, Missouri, and its engine takes its place by the side of half a dozen or more of others, each panting like so many horses ready for the race. To me, gentlemen, there is something sublime about a locomotive engine; I can look at it and admire it, even if it does belong to a rich corporation, and I have no interest in it. Thank God, in the great realm of vision, we are equally wealthy. Rolling rivers, towering mountains, outstretching plains, bending skies, as well as the splendid specimens of human skill that fret our public streams and highways, are all in the realm of vision the property of rich and poor alike. Yes, what a glorious structure is a railroad engine, what a giant-like tribute to man's inventive genius; how like a thing of life, with vast, pulsating heart it seems "to live and move, and have its being." When like the queen of commerce it comes gliding along, with gorgeous, resplendent coaches for its train, how the law-abiding soul—with never a dream of stopping it in search of plunder—delights to see it speed on, in magnificent splendor and sublimest

power. Many a time, a few years since, while loitering about Kansas City, as young lawyers do, have I stood upon the bluffs and watched the trains as they came in and went out; watched them just at night-fall, when they were all departing for the East; watched them as, hurling down the river bottom, with resounding whistle, rolling smoke, and white, streaming steam, they plunged into the tunnel of the night and were seen no more.

So the ill-fated Rock Island train departed on July 15, 1881; so it sped on like a meteor through the darkness until it reached the prairies of your own county. What a splendid spectacle is presented by an approaching train on a Western prairie in the night time! I see that train coming up to Winston now, with its beaming headlight, now partly obscured in a cut, now out, trembling along like a rolling, radiant ball of fire. Yes, yes, gentlemen, I see that train speeding across the prairies of your own free Missouri, where the protecting ægis of the law is spread over every head, and we boast that life, liberty, and the pursuit of happiness is guaranteed to every human being within her borders. I hear the rails clicking by the platform; I see the white steam rise; the whistle sounds out on the pure country air, and in a moment the train is standing at the depot in the town of Winston. Frank James was there to meet that train, gentlemen. Just as surely was he there, as that he is here today. Just as surely was he there as that the village was there—as that Westfall and McLellan were there. Just as surely was he there, as that the All-seeing Eye was there, looking down into the foul intention that dwelt in his heart. Let us look a moment at his surroundings, for here we may get a glimpse at the superb innocence of the "remarkable" hero now on trial. It is said that when a man contemplates doing a wicked deed, if he will look at some splendid painting or upon some scene where nature with her brush has eclipsed all human genius, his vile thoughts may all be taken away. Look at his surroundings on this fatal night. There stands a magnificent train, known to him to be loaded with precious immortal beings, whose life he is about to hazard. Perchance the mother is there, returning from a visit to her children in the West, or the boy going East to bid farewell to a dying parent. Innocent little children, unborn when civil war brought the defendant his much-talked-of "grievance," are there with tiny hands against the window glass, and eyes peering out, asking his pity and protection. The pure, free atmosphere of his native State is about him. The smoke of the standing engine is towering upward, and as his eyes follow it they

meet the tender light from a myriad of twinkling stars, each whispering to him with a silver tongue, pleading with him, as if to woo and win him from his awful purpose.

But it is all to no avail. Frank McMillan, old man McMillan, his father, and the two Penns—all laborers in a stone quarry hard by—have gotten into the smoking car. Conductor Westfall, little knowing the sad fate impending, waves his lantern for the last time. The bell rings. The train starts. The robbers get aboard. The fiendish work begins. I am going now by the evidence—no fancy. Dick Liddil and Clarence Hite climbed upon the tender to take charge of the engineer and fireman. Jesse James, Frank James and Wood Hite rush into the smoking car from the front door; one of them—as seen by the witness, Maj. McGee, a most intelligent gentleman, and at present U. S. marshal—cuts the bell rope, and doubtless in doing so gives the signal at the engine which causes the train to stop; but it at once starts up again. “The two tall men,” as the witness Penn calls them, come right up to Conductor Westfall, at this time engaged in putting “tabs” in the hats of Penn and his companions, saying “up, up,” or “down, down,” the witness, affrighted and thunderstruck with the tragedy of double murder, cannot say which. Westfall, seeing death was lurking, “made some motion, thus,” as Penn put it; he cannot say for what. I believe to defend himself, as duty and God bade him do. Just at that instant “the big tall man”—all admit now Jesse James—quick as a tiger for his victim, pulls the cruel trigger, and Westfall goes reeling down the aisle to the rear end of the car; as he goes the firing at him is continued. He opens the door, struggles out, and falls dead from the train; dead in the harness! dead on duty!

That was a magnificent specimen of oratory with which Gov. Johnson closed his argument yesterday evening. He said, you remember, that once in the city of St. Louis he “stood watching a five-story building wrapped in flames. In one of the upper windows stood a man, with the red flames leaping around him, and apparently no means of escape, whilst his wife below was watching with eager and loving eyes for some kind hand to snatch him from the devouring fires and bear him to her arms, till at length a heroic firemen brought joy to her heart by undertaking and performing the noble feat.” I could not help, however, gentlemen, but think of something real, and directly connected with this case, as the Governor drew his picture; I could not help but think of poor Westfall, reeling there in the railway car, enveloped in the smoke

of burning powder, and wrapped about with the red-hot flashes from cracking revolvers—he himself being on fire, the red flames of life bursting through the windows made in his body with cruel bullets; I could not help but think of the devoted wife who stood in her doorway on that fatal night, waiting to give the welcome kiss to her husband when his “run” was ended and he returned to his home. Alas! she is waiting still.

We are not through with the scene at the train yet. Westfall has fallen, but the murderous fire still continues. Now it is contended “it was not intentional,” “we do not know the particular man who did it,” and so on. It makes no difference, you know from the evidence Frank James did it; but if you did not, you would know one of the band he belonged to—bent on robbery and murder—did it, and that is enough. According to Penn and Maj. McGee, these men followed Westfall up, and after he had tumbled from the rear end of the “smoker,” they go back again to the front of the “smoker” and out of the door. Penn and Frank McMillan now get up, and in search of a safer place go to the rear platform of the “smoker,” and take seats on the steps. “One of the tall men” remains on the front platform of this “smoker” firing “as many as six shots straight through the train,” crying “down, down.” This was doubtless done to keep the passengers from interfering. Penn gets up and looks through the rear door, and one of these shots hurls the shattered glass against his hand. Presently a voice, as if from one in distress, is heard in the “smoker.” Frank McMillan, sitting on the rear steps says, “That’s father’s voice.” Oh, I think, gentlemen, I know myself how he knew that voice, even in the din of rattling train and belching pistols. It was the staid, familiar voice that through all the happy days of childhood he had heard under the old home roof; the voice that many a time had called him up to his work at break of day—to the country lad, glorious break of day when rosy-fingered Aurora, sweet dispenser of the morning dew, came dashing in her fiery chariot across the eastern hills, and a thousand birds were twittering greetings to her in the trees. “That’s father’s voice!” and he bounded to the door, and death met him as he came. The whizzing ball of the idle, roving assassin meets the sweated brow of hard-working Frank McMillan, he falls dead from the train, and the soil of free Missouri drinks up his honest blood. “Oh, he is but a poor laborer,” I hear them say; “what is his life when measured with the precious existence of a daring, chivalric hero?” Gentlemen, when the Almighty God of the Universe came into the

world, and took upon Himself the form of a man, He paid such a compliment to the dignity of labor that He became Himself a carpenter, and for years there stood upon His brow, as upon poor McMillan's, the sweat of honest toil. Much has been said to induce you to think this is a prosecution backed by corporations in the interest of capital; but I tell you it was not *capital*, it was *labor* that was foully murdered when Frank James' ball went crashing through the brain of the humble stone mason at Winston.

Thus ended the killing at the robbery. I have scarcely mentioned those whose hearts were made to bleed the most. Hours have been spent here in pathetic rhetoric about the defendant's wife, his child, his mother, his sister, and all thought to be near and dear to him. The wives and children of *our* sleeping dead have been left in the background. This is no place for such issues. I could not depict the anguish of the widow, whose heart is withered with the purple blast of murder, nor the wail of the orphan, that, for aught we know may cry for bread; and I would not if I could. In cases like this the anguish of the dying and the dead is far less than that of the beloved left behind, and I could only feebly imitate the example of a painter of ancient times, of whom I have somewhere read. Agamemnon, a noble chieftain of the Grecian forces, was at last captured, together with his family, by his enemies. They studied long how they might contrive to torture him the most. At last discovering that he had an only daughter, a girl of extreme beauty, whom he seemed to love far better than he loved himself, they brought her forth and put her to death by slow torture, compelling the brave old warrior to look upon the fearful scene. A great painter came to the frightful scene to put it on canvas, especially the horror that sat on the father's countenance, and to hand, with his picture, his name and his genius down the ages. He drew the crowd, torturers, and all, just as they stood; he painted the suffering girl with the flush of death on her cheek, with matchless perfection; but when he came to the father, standing in grim silent agony, his genius failed him, and he simply drew a veil over the face in confession of his inability to depict the horror that sat within. So all I can do in this case is to place Mrs. Westfall here to my right, clad in mourning, with the thick black veil hiding the saddened face; and Mrs. McMillan here to my left, similarly attired; and the little children hiding their faces in the folds of their mother's dress—and let me say, *these* Col. Philips, are the trophies of *your* kind of chivalry.

BY THE COURT. Gentlemen, this is a court of justice. Mr. Sheriff you must stop this applause.

SHERIFF. Gentlemen, all this noise must be stopped, I say all this noise must be stopped right now; you are in court.

BY THE COURT. Now, I want to say to this intelligent audience that this applause must not be repeated. If so, the Sheriff will clear the room. Proceed, Mr. Wallace.

MR. WALLACE. Gentlemen of the jury, laying aside everything that savors of feeling, what is the plain, unvarnished evidence before you? What are the *dry facts*, to which, without the least appeal to passion, I now promise to confine my remarks. Who committed this double, dastardly, diabolical murder? If Frank James was at Winston, away with your knighthood, away with exclaiming "who fired this shot," or "who that;" away with technicalities, for justice cries out with a thousand voices, "If he was there he is guilty." If he, who publicly trod the streets of Nashville for four years, was in Texas in his sister's "cellar," or "upstairs," so that not even a neighboring cowboy might see him he is innocent. If present, he is bound to be guilty of murder in the first or second degree; and the whole case turns on the question —*was he at Winston or was he in Texas?*

The testimony is absolutely overwhelming that there were five men in that robbery, and that this defendant is the fifth man. It was confessed from the outset that Jesse James, Dick Liddil, and the two Hites were in this robbery, and for four days they proceeded here on the confession that there was a fifth man there; and you saw them vainly striving to show this fifth man was Jim Cummins, and not this defendant. Right in the midst of the trial, from sheer necessity, the "four-men theory"—an insult to your intelligence—was concocted; and the case has been argued to you, by those who did not argue mostly from "flags" and "swords," on that hypothesis. Let us examine the "four-men" dodge. A moment's analysis of the testimony shows its absurdity. The evidence is four-fold that there were five men: First, the five horses ridden are unmistakably described; second, five men are unmistakably described; third, five men are seen about sundown near the scene of the robbery; fourth, five men are seen and counted at the robbery. First as to the horses—

No. 1, big bay gelding, heavy mane and tail, about sixteen hands high, described by a number of the witnesses who saw these men. No man who had been on a farm two months could mistake him for any of the other four. This horse Jesse James rode; John

Samuels, his brother, owned him, and tells you Jesse was riding him that summer.

No. 2, a little bay horse (gelding), stolen by Frank James and Liddil, in Ray County, and described exactly by a number of local witnesses. This was Wood Hite's horse.

No. 3, a sorrel gelding, about fifteen and a half hands high, ordinary mane and tail, collar-marks, no blaze in face, described by a number of local witnesses. This was the Lamartine Hudspeth horse, ridden by Dick Liddil.

No. 4, a tall sorrel, stolen from the witness Matthews, most noticeable of all, blaze face, light mane and tail, white hind feet, sixteen hands high, described by a number of local witnesses. This was Clarence Hite's horse.

No. 5, a little light-bay mare, stolen by Frank James and Liddil in Ray County, described by a number of local witnesses; shod by Potts, who identifies her in Timberlake's hands, at Liberty, and she is returned to her owner in Ray County. This horse was ridden by Frank James to Winston.

Here are five horses traced by local witnesses to and from this robbery, all totally unlike. Any man on this jury hunting stolen horses could trace them, by description, through the country: First, big bay gelding; second, little bay gelding; third, ordinary sorrel gelding, no blazed face; fourth, big sorrel gelding, blazed face, light-colored mane and tail, and white hind feet; fifth, a little light-bay mare. Who rode the fifth horse?—a myth? a Will-o'-wisp? while Frank James was in his sister's cellar?

2d. Five men are unmistakably described by the witnesses:

No. 1. Tall, man, heavy, erect, high cheek-bones and broad across face, darkish whiskers all over his face, dark hair, good talker; described in the same way by Mrs. Hite, the Brays, Wolfinbargers, and others. This was Jesse James.

No. 2. Man about thirty, average height, stoop-shouldered, light-complexioned, inclined to heavy build, not much whiskers, very slouchy, said but little; thus described by Mrs. Hite and a number of your local witnesses. This was Wood Hite.

No. 3. Man about thirty, dark-complexioned, with dark hair, dark whiskers, short and all over face, average build and weight. This you can see yourselves was Dick Liddil.

No. 4. Tall, slender, light-complexioned fellow of about twenty, front teeth bad and prominent, little fuzzy whiskers; thus described by Mrs. Hite and a number of local witnesses. This was Clarence Hite.

No. 5. Tall, slender man from thirty-five to forty, light-complexioned, wore lightish "burnside whiskers," intelligent, good talker, neat in dress; described in the same way by the Tennessee witnesses and local witnesses, to some of whom he talked about Ingersoll and "spouted" Shakespeare. This was the "remarkable" man on trial.

3d. Just before the robbery five men were seen near the scene of the robbery:

Ezra Soule, near sundown, comes upon two of them in the woods. One of them, he testifies, positively, was Frank James, and the other he describes as "a tall young fellow, fuzz on his face, big bad teeth"—Clarence Hite, beyond question. Just about this time, at early supper, two men are at Mrs. Montgomery's close by. The family are here, and describe them: "One a tall, heavy-set, independent fellow, whiskers tolerably long all over his face, darkish, ate with his hat on"—Jesse James; "the other, ordinary size, ordinary looking, light-complexioned, did no talking"—Wood Hite beyond question; "both rode bay horses." Bad-tooth Clarence, with his blazed face sorrel, was not there, gentlemen, nor was slender, polite, "burnsides" Frank. No witness yet brings in "ordinary sized" Dick Liddil, dark-complexion, short whiskers all over his face, but Mrs. Kindig and her daughter are put on the stand, and testify that just such a man ate dinner at their house on the day of the robbery, by himself, being on horseback; and they swear positively that Dick Liddil, whom they see at this trial, is the man. Here, then, are the five men seen in the neighborhood just before the robbery. Everything hangs together in this case. Watch as I proceed, and see if it does not. The eternal consistency of truth is seen at every step from Nashville to Winston.

4th. Five men are seen at the robbery:

My friend, Mr. Slover, may fly around in his argument like a feather in a whirlwind, trying to account for the fifth man by making an omnipresent being out of Clarence Hite, and placing him on the engine, in the "smoker," on the ground, or in the express-car, all at the same instant; but with fair men it will not do. If, like a wonder-worker, he can deceive you with such legerdemain as that—I am charging nothing improper, let a defending lawyer ply his skill—we may as well give up the case. Mr. John M. Glover, you remember, went through the same sleight-of-hand performance by a totally different method. With him, Wood Hite was the everywhere-present robber, that by the

magic wave of Mr. Glover's wand would flit unseen, from car to car, like the mystic egg, from hat to hat. Now, that five men robbed this train is as clear, from the evidence, as the shining sun. The train stopped three times; first, within twenty yards of the depot; second, three or four hundred yards from town; last, a mile or more from town. Bear in mind, both men are killed between the first and second stops, while the train is in motion. Maj. McGee says: "Three men entered the smoking car, I am positive." "One at once cut the bell-rope." Penn is positive, also, that *three* men entered. As the train is moving, after the first stop, the firing commences—all the men being in the car by the positive testimony of three witnesses. The engineer testifies that just as he was starting up after the first stop (three robbers being in the "smoker"), "two men came over the tender, with revolvers, into the cab." Two and three make five. The engineer is further positive "that these two men were both of them all the time on the engine from the time they first came until he left the engine," just as the robbery was ending. The point at which he left the engine was beyond where both dead men had been found on the ground. Thus he swears two men were on the engine during the identical time the three men were in the "smoker." Again, by the testimony of the baggage-man and express messenger, both being in the same car, no man passed through the baggage-car, and they knew nothing of the robbery until the robbers appeared at the side door of their car, on the ground, which was at the second stop, and after the killing. How, then, could Clarence Hite get from the engine and back into the "smoker" to be counted as one of the three, the train being rapidly in motion, without passing through the express-car? If he did, how did he catch up and get back on the engine again? For the engineer says as the engine halted at this second stop, these two were still there, and made him go on; in fact, he says, had been there all the time, right by him. Again, just while two men are ordering the engineer to go ahead, three men are at the express-car door, two get in, the express messenger says, one stays by the baggage man (pulled out on the ground), as the train moves off again, as the baggage-man says; and still the two, according to the engineer, are on his engine, and are there when he leaves it, some distance beyond. It is too plain, gentlemen, for further argument. To make you believe there were only two men on that train is to make you believe you cannot count five.

How have the defense acted on this point? Have they made an honest defense from the outset, treating you as honest and intelli-

gent men on oath? I say they have not. Knowing the evidence showed five men in this robbery, they deliberately tried for four days before you to put Jim Cummins in as the fifth man. Did they not do this? 1881 is the year of this crime; and, you remember, during the first part of the trial, when old man Ford, by a *lapsus linguae*, said he saw Jim Cummins in the fall of 1881, how they rolled it as a sweet morsel under their tongues, and what a fight was made against letting the old man correct his mistake by saying he meant 1880. You remember, when John Samuels was put on the stand that he was asked: "Please give the names of all the men at your mother's in the summer of 1881?" and he answered, "Jesse James, Dick Liddil, Wood Hite, Clarence Hite, and after the Winston robbery, Charlie Ford." "Were these all; please name them over again?" and he named them precisely, as at first. Then came the suggestive question. "Did you see Jim Cummins in the summer of 1881?" Answer: "Yes, sir; he was there with the others several times." Mrs. Samuels was put on the stand, and she was asked to give the names; and she did it just as John did, exactly. "Please repeat them all?"—and she gave the same names again, leaving out Cummins. And then the suggestive question was asked, and answered as John had answered it. A direct, persistent attempt to put Cummins in this robbery; and then they would have argued, "Cummins was the man all these good witnesses took to be Frank James." But their plans are suddenly thwarted. Frank O'Neill, the correspondent of the St. Louis *Republic*, who had a long interview with the defendant just before his "surrender," testifies that in that interview the defendant described Cummins as an illiterate, indolent fellow, and mocked his long drawl in talking, which I had O'Neil to reproduce: "There—now—that—d—d—Frank James—has gone—and told—on me," etc. The defense could go no further. To claim this ignorant drawler and the smooth repeater of Shakespeare and adroit discourser on Ingersoll were one and the same person was too absurd, even for this case; and right in the midst of the river they change horses, and the question is asked, "Was not Wood Hite very much like his cousin Frank?" and they all answer, "*very much.*" Is this the way to make a sincere, *bona fide* defense? I blame not my professional brothers, but venture that in the history of criminal trials never was an honest jury so grossly trifled with. General Garner is one of those ponderous bodies, which, when well under headway, it takes time to stop; and so thoroughly had he gotten started on the Jim Cummins

theory that he clung to it for some time in his speech, but finally came around all right.

But let us go deeper into the evidence. The guilt of the defendant becomes more apparent as we examine the motives and plans leading up to the crime. In Nashville, Tennessee, in March, 1881, four men are dwelling together under the same roof. They are seemingly quiet citizens, but in reality are a band of outlaws, each passing under an *alias*. Frank James has been about Nashville for more than three years, has a wife and one child; and is known as B. J. Woodson; Jesse James is better known than his brother, has a wife and two children, and passes as J. D. Howard. Dick Liddil is living with them, known as plain Mr. Smith. Bill Ryan is also there, known as Tom Hill. These facts you have learned from the testimony of W. L. Earthman, back-tax collector at Nashville; James Moffatt, depot-master at the Louisville and Nashville depot; Messrs. Horne, Sloan, and others. "Much obliged to you for this evidence," say our friends on the other side, "it shows our client wanted to lead an upright life, and was living as an industrious citizen in Tennessee." Yes, I reply, and it shows as much for Jesse James, whom you, yourselves, have held up as a monster in crime. It shows that Dick Liddil and Bill Ryan, so far as outward appearances went, led quiet and honorable lives in Nashville, Tennessee.

A curious incident caused this band to flee from Nashville. Bill Ryan, on March 26, 1881, mounted on a splendid steed, as you remember by Earthman's testimony, was traveling North, and when at a country store, some eight miles from Nashville, became intoxicated, flourished his pistols, said his name was Tom Hill, and that he was a desperado and an outlaw, and tried to kill Earthman, who was then a justice of the peace. He was arrested on the spot—having besides his arms, a buckskin sack next to his person, containing about \$1,300 in gold—and was lodged in jail at Nashville, charged with assault with intent to kill. An evening paper contained a description of the man arrested, and the remainder of the gang made their flight the ensuing night. Frank James mounts a horse, stolen, though not by him, from Mr. Duvall, of Ray County, Missouri, and since recovered by the owner, as he told you, in Nelson County, Kentucky. Jesse and Dick steal horse-flesh on the commons of Nashville; and when this is exhausted, two more are stolen as the three pass their rapid retreat to old man Hite's, the uncle of the Jameses, who lived some fifty miles north of Nashville, in Logan County, Kentucky. Frank James tells you

from the stand—Mrs. Hite and her father were here, and he could not deny it—that he made this trip, but he was not a member of the gang, and did not want to go along. Oh, no! did not want to go; but the fact is, that with the four points of the compass and the wide world all about him, *he did go*. He wanted to go, gentlemen, and at every jump of his steed he cried out to the others as did Ruth to Naomi, “Entreat me not to leave thee, or to return from following after thee, for whither thou goest I will go, and where thou lodgest I will lodge.” On the 27th day of March, about sun up, Mrs. Sarah Hite and her father, Mr. Norris, say these men came to old man Hite’s. The recently stolen horses had been turned loose, and Jesse, Frank, and Dick came, one riding, two walking, two having guns, all having pistols. They stay a few days, and go away; and in about two weeks come back again, four in the gang, Wood Hite being now with them as they prowl around. In a day or so they go to Nelson County, Ky., and are at Hall’s, Hoskins’, and other places. This is proven by the defendant’s admissions on the stand. This is the county from which, by the record evidence of the express companies and otherwise, it is shown these two guns were shipped, in May, 1881, to John Ford, at Richmond, Mo.

Now, then, we come to the removal of all the gang, and the families of those married, to Missouri. Here, it is contended, all came but Frank. That is because he is the one on trial. If Liddil were on trial, all would have come but him; if Jesse James, all but him. There is plenty of positive proof that Frank James came; but aside from this the attending circumstances all show it. To begin with, all the band to which he belonged, Jesse James, Dick Liddil, Wood Hite and Clarence Hite, it is admitted came. This is the gang as just recruited in Kentucky, and to which, by the testimony of Mrs. Hite and her father, Frank James more truly belonged than did the Hite boys. Shall the oldest and shrewdest man in the gang remain behind when boys like Clarence Hite come along? Shall fledglings be brought on a daring voyage in search of prey, and one of the parent birds be left behind? All came in April and May, 1881, “except” the man on trial. Even Jesse James’s wife with little children came, and took up her residence in Kansas City, Mo., as shown you by the testimony of Thomas Mimms, her brother. Frank James’s wife herself comes; and as it now turns out, comes first of all, early in April, 1881. It was hard in the outset to show by testimony independent of the gang that she came;

but when we traced by the railroad records a sewing machine to Page City, in Lafayette County, Mo., and from thence to her father's, at Independence, Mo., the truth had to come, and Thomas Mimms tells you on the stand that he met her at the Saint James Hotel, in Kansas City, and took her to her father's. The claim that she came to have General Shelby intercede for her husband with the Governor—long before the Winston and Blue Cut robberies, long before the reward of \$10,000 was offered, long before the Governor and local officers were working in unison, and in dead, hard earnest to rid the State of shame and outlawry—is a subterfuge, and too preposterous to be believed by intelligent men.

But positive proof that he came is abundant. It is just as clearly shown by disinterested witness that Frank James was at the home of the Fords in Ray County, Mo., in May, and in the summer and fall of 1881, as that he was at Mrs. Hite's in the early spring. I only mention one witness now, the one they did not attempt even to impeach, and whose testimony all attorneys for the defense have striven to get away from as quickly as possible. This is the modest, intelligent, truthful, little Ida Bolton, of thirteen summers, and as nice a child in manner and deportment before you as the daughter of any man who hears my voice. She is placed upon the stand by the State. She utters not a word, except in simple answer to questions asked. Leaving out the questions she testifies: "I know Mr. James over there; they called him Hall at our house—at Uncle Charley Ford's, where I was in 1881. I knew him well; he came to our house in May, 1881, and was there several times that summer; he was upstairs a good deal and read. I know him, and picked him out by myself from amongst all the men, when I came into court. He was at our house that summer with Jesse James, Dick Liddil, Clarence and Wood Hite. I know all of them. Frank James, Clarence Hite, and Charlie Ford left our house for Kentucky, they said, in October, I think, 1881;" and a rigid cross-examination never caused her to waver in the simplicity of her truthfulness. Every man said—that is the truth. The defendant and his attorneys may storm and deny, but they can never get away from it. We read in the Scriptures of a little maid who lived within, or close by, a worse house for murder than that of the Fords—the house of Pontius Pilate, or of the high-priest, I forget which. When the time for the crucifixion

was drawing nigh, and all were deserting, Peter, the bold disciple, said he would stand by the Savior to the last; but as he was warming himself by the fire, this little maid, who had probably seen him but once before, came along and said, "Thou also wast with Jesus of Nazareth," and he denied it; and the maid saw him again, and said the same, and again he denied it, and began to curse and swear. But it was the truth, despite his denial and profanity. So in this case the defendant may deny, and swear, and rave; but I tell you the little maid saw him, and with honest men he can never get away from her testimony. I say nothing now of testimony to the same effect by Thomas Ford, Cap. Ford, Martha Bolton and Willie Bolton.

Having traced defendant by disinterested testimony, circumstantial and positive, from Nashville to Kentucky, and thence to the Ford farm in Ray County, Mo., let us come to your own county. Here we find from this and an adjoining county twelve witnesses who testify to you that he was here. They are all as honest, honorable and intelligent citizens as can be found anywhere. They say he was here in your vicinity about two weeks before, and on the day of the Winston robbery. They conversed with him, he ate at their tables, and they know him. Three of them, the Bray family, say they believe him to be the man, and the remaining nine swear to him without a doubt. One of them, Ezra Soule, swears positively that he saw Frank James just before sundown on the evening of the robbery, and within half a mile of the place. "Yes," it is said, "but that is just where the case falls to the ground; you prove Frank James to be there in the woods, but you can get him no further; you fall a half mile short in making your case." Gentlemen, were you put in the jury box as fools, as sticks, or as men endowed by Almighty God with noble reasoning powers? Jurors, I tell you, you are expected and required to use the common logic of the human mind, and when a conclusion follows with mathematical certainty by comparing one state of facts with another, it is your duty to adopt that conclusion. Otherwise there could be no enforcement of the law in criminal cases. Five men placed with undeniable certainty in the woods there, and Frank James one of the five! Five men at the robbery, just as certainly as the light is coming in at these windows! Four of them admitted to be Jesse, Liddil and the two Hites—and then say, the fifth one *may have been* some other than the defendant? What became of Frank James when they left the woods for

the train? Did he by omnipotent aid ascend Elijah-like into the skies, and some honest farmer come and act his part? and when the deed was done, did the Almighty let him down again into his saddle, and the honest farmer go home to his couch? Oh, no, gentlemen, he was there; and every one of you know it. The conclusion is logical, unavoidable, irresistible.

You will perceive, gentlemen, that I have arrived at this point in my argument without the mention of Dick Liddil's name as a witness, and without relying upon his testimony for any conclusion whatever. I have done so at a disadvantage to myself, for my custom is to strive to push all the testimony along together; but I deemed it best in order to refute the oft-repeated assertion that "everything depended on Liddil," by demonstrating the defendant's presence at Winston without Liddil's evidence. But by the law of the land, Liddil is a competent witness; and I now propose hurriedly to discuss his testimony, bringing it along with the testimony of the other witnesses, but not in such a manner, I trust, as to weary you.

Dick Liddil was a member of a band of train-robbers, known as "The James Gang." This nobody denies. If he had not been, he could not have rendered the State the vast benefit that he has. When men are about to commit a crime they do not sound a trumpet before them. They do their work in secret and in darkness. Neither when they are forming bands for plunder or death, do they select conscientious, honest citizens. A man contemplating murder would not say, "Come along, Mr. Gilreath, or Mr. Nance, and join me in my fiendish task." Their work is done when honest, law-abiding men are asleep, and "beasts creep forth." For this reason, when the State would break up a band of criminals, it must depend upon the assistance of one of their peers in crime to do it. Hence it is a custom, as old as the law, to pick out from a desperate band one of their own number, and use him as a guide to hunt the others down. No honest, law-abiding man objects to this. When men go about where this is done, crying "perfidy," "traitor," "treason," you can put them down as the enemies of good government, or so steeped in prejudice that they know not what they do. Liddil, the least depraved man in the most secret, desperate band, perhaps, the world ever saw, has thus been used; and the State has chosen, also, to call him as a witness in this case. Mountains of abuse have been heaped upon him; the English language has been ransacked for terms of vilification. Once, forsooth, and after he got to be a train-

robber, too, he was a splendid fellow; splendid enough to be the boon companion of so pure and great a man as Frank James. You remember that the defendant himself testified that Liddil, passing under an *alias*, was his guest, ate at his table, and slept under his roof. Liddil was one of the heroes then, of whom we have heard so much. But suddenly he makes a change. He leaves the shades of crime and comes out into the sunlight of law and order; and all at once, strange to say, he is transformed into a "viper," a "villian," a "scoundrel," a "demon," or such "execrable shape" as his old tutor's counsel can give him. But let the attorneys for the defense go on with their abuse; it is a part of their business. I shall not retort by calling the defendant a "viper," a "perjurer," a "demon," and the like. Even the way in which Liddil comes into court is dwelt upon. To appeal to your prejudices by intimating that the United States, Frank James's enemy, in 1863, was trying to convict him, Col. Philips says Liddil came guarded by a "United States marshal"; when the fact is, he came with Capt. Maurice Langhorne, deputy marshal of Jackson County, Missouri.

COL. PHILIPS: I did not say anything about a United States marshal.

MR. WALLACE: Possibly it was a slip of the tongue, but I insist that you *did*, and so did one of your colleagues; and it was followed up by you by denunciation of Langhorne, who never opened his mouth as a witness, simply coming here in the performance of an official duty. It will not surprise you, gentlemen, to know that Capt. Langhorne, who has thus been introduced to you, was for four years an officer with Gen. Shelby, the much-lauded witness for the defense. Thank Heaven, too, gentlemen, I can say for Capt. Langhorne, that he found out long ago the war was over, and he is in favor of prosecuting and punishing train-robbers and murderers, no matter who they are, or where they were in days gone by.

It is said Dick Liddel surrendered and bargained with the Governor of the State, and Craig and Timberlake to convict Frank James, guilty or innocent, in order to obtain immunity for himself. I deny that. There is no proof about it, and I have a right, in answer, to *emphatically* and *positively deny* it. The only contract with Liddil was that always made with those turning State's evidence, as we call it, namely, that he should tell the whole truth and nothing but the truth; and if he told a falsehood he did it at his peril, and the contract was ended. To say that these gentle-

men would coolly bargain with a man to swear away the life or liberty of a fellow-being, guilty or innocent, is simply monstrous. The Governor, their own witness, was on the stand; why not ask him the contract? They did not dare to. Timberlake was on the stand; why not ask him? They did not dare to. Craig was here, subpœnaed by them; why not put him on the stand and ask him? Why let him go home?

COL. PHILIPS: There is no evidence that Craig was here, and I do not think it proper to bring it before the jury.

THE COURT: I understood at the commencement of Mr. Wallace's argument that all exceptions would be taken in writing. I do not know Mr. Craig, and cannot say as to his being present.

MR. WALLACE: The records of the court will show that a subpœna *dues tecum* was issued by the defense for Henry H. Craig, and that he bring with him the written confession of Dick Liddil, made just after his surrender. In obedience to that subpœna, Capt. Craig sat for a long time within the bar. I know him, saw him, and talked with him. What a magnificent opportunity to contradict Dick Liddil—to show by his confession in writing he had sworn falsely. Instead of groundless declamation about the falsehoods Liddil has concocted since his surrender, how much better it would have been to ask the Governor, Craig, and Timberlake, about his conduct and truthfulness. Why not ask them, if in any instance he had ever misled the officers, or told a single falsehood?

It is urged that Liddil has been contradicted by impeaching witnesses, but the effort to contradict him was a downright failure. They declaim mostly on the testimony of Gen. Joe Shelby, who says that in the fall of 1881 he met in Lafayette County, Mo., Jesse James, Dick Liddil, Wood Hite and Jim Cummins, on horseback, going south; and that he there learned from them that Frank had not been in Missouri for a long time, and of course was not at Winston. I will be charitable enough to say, that had Gen. Shelby been fully at himself, it is trusted he would not have so testified. I blame some of the attorneys more than I do him. You remember that during his cross-examination one of them twice arose and said, "The witness is in no condition to testify," and asked that he be excused for the present; but they had deliberately put him on the stand; and despite the storming of the witness at me—for which I care not a fig—I was determined they should not put a lot of questions, all written out by them, at him, insist until he answered them just as written, and

then dismiss him from the stand. I am not here to accuse a man situated as Gen. Shelby was, with false swearing—let gentlemen from the other side—

COL. PHILIPS: Mr. Wallace, do you mean to say that I, as an attorney, would write out a false question and put it to a witness?

MR. WALLACE: The gentleman is getting excited. Not even the hint of the Court to keep quiet is enough to curb his fiery spirit. I will be charitable enough with you, Col. Philips, to say that your client bade you write these questions. You know that I am telling the truth—that these questions were all written out, and that you had a contention with the witness before he would answer them at all. But Gen. Shelby is bound to be mistaken as to seeing these men thus, in the fall of 1881. The other evidence overwhelmingly shows it. He puts Cummins with them, when by the remodeled defense Cummins was not with the gang at that time at all. Besides, it is shown by Mrs. Hite that Jesse James, instead of associating with Cummins after February, 1881, was hunting him to kill him on sight. It is further shown beyond question that the gang, after the Winston robbery, adopted the plan of walking as safer, and had no horses. Besides this, Tom Mimms says that Jesse James remained in Kansas City until late in the fall of 1881; he saw him continually; and when he left—he found afterwards he went to St. Joseph—that he never went South that fall at all. Mrs. Samuels, too, swears that Jesse never went South for any purpose in the fall of 1881. But it is useless to say more. The contradicting testimony of Tutt, Joe B. Chiles, and the Marshal of Lexington, granting it true, is simply what you might expect from any man constantly importuned by hundreds of curious inquirers. Brosius can make the robbers on the cars “fifteen feet high and three feet through, with pistols having muzzles as big as your hat”—all in a joke; yet Liddil, besieged to answer by a thousand persons, cannot put a man off, but it must be construed into a contradiction.

Let us now examine Liddil’s testimony, not him, but his *testimony*. If any one of you is prejudiced against him—and I see no reason why you should be, for you have certainly seen no more candid, straightforward witness—look at his testimony, not at Liddil. Scrutinize his testimony, and let it stand or fall on its merits. If the Judge of this court should hand me a glass of water, and Liddil should also hand me one, if I felt squeamish as to whether the contents of the two were equally pure, I would

proceed to examine the *water*, mainly, at least, and not the men. But your mind suggests "you could analyze this by chemical formula and apparatus and see whether or not it contained poison." So you can, with equal certainty, analyze the testimony of Liddil in this case. The formula is contained in the eighth instruction, to which I said, when on that branch, I would call your attention in discussing the evidence. By this, if you are in doubt after listening to the bare statement of an accomplice, upon which alone you may convict, then you call to your aid your formula; and the test is *corroboration or no corroboration*. If corroborated by other truthful witnesses, you are bound to believe his testimony. Let us, then, standing here in the great laboratory of the law, make a chemical analysis of Liddil's testimony, and see if every time the test of corroboration is applied to the glass of water he has handed you, it does not bubble and sparkle with the truth. And at the outset I say to my friends on the other side, find me a case in your practice, find me a case in the books, find me a case in the history of trials, where an accomplice has been so wonderfully corroborated as this man Liddil.

Liddil says that for some time before coming to Missouri they all lived in or near Nashville, Tennessee; that Frank James went by the name of B. J. Woodson, Jesse James as J. D. Howard, Bill Ryan as Tom Hill, and himself as plain Mr. Smith; and he is corroborated as to every word by Earthman, Moffit, Horne, and Sloan. He says that on March 25, 1881, Ryan was arrested, and gives particulars; and Earthman corroborates him in full. He says they all lived in Nashville in March, 1881, at 814 Fatherland Street, and disappeared about April 1, 1881; and John Trimble, Jr., who rented "B. J. Woodson" the house, and James B. May, who purchased the same, came, with books and dates, and corroborated him in detail. He tells you that he, Jesse, and Frank, on Ryan's arrest, fled to old man Hite's, in Kentucky; and Mrs. Hite and her father, Mr. Norris, corroborate in every sentence he utters. He says they then went to Nelson County, Kentucky, and shipped guns from Adairsville, in that county, to Missouri—what a fine chance to contradict him, if untrue, by the express books; but N. G. Bishop, at Lexington, Missouri, and the agent at Richmond, Missouri, show you by their books that a box came just as Liddil says, to the first and thence to the latter town, directed to J. T. Ford. He testifies that the families of the Jameses then came to Missouri, giving dates and surrounding circumstances, and he is corroborated by other witnesses; that he, Jesse, Frank, and the two Hites

came to Missouri; and all is admitted, except as to Frank, and here he is corroborated in a dozen ways; that Frank James's wife came to Shelby's with a sewing machine, thence to Kansas City, and thence to her father's; and Geo. Hall, of Page City, Dan. Bullard, agent of the Mo. P. R. R., at Independence, Missouri, and Thomas Mimms corroborate him at every step, with dates and records. He says that Frank James and the others of the gang were frequently at the Ford farm, in Ray County, Missouri, in the spring, summer, and fall of 1881; and old man Ford, up to the time he clashed with the matchless Jameses, as good a man as Ray County had, Cap. Ford, Martha Bolton, Willie Bolton and Ida Bolton come on the stand and testify that Frank James was there, and corroborate him in a score of details. But just here I am tempted to pause a moment.

The Fords are abused and defamed by the hour by defendant's counsel. Once they were most respectable citizens of Ray County, entertainers of chivalric knights; but now their house is called a "robber's roost," where guests are murdered and buried in the night "unshrouded and uncoffined." As if you were friends sitting weeping on the tomb of Jesse James, the question was put to the Fords as occasion presented, "Are you the father," or "the sister," or "the brother" "of Bob and Charlie Ford, who assassinated Jesse James?" If the house of the Fords was a most disreputable place, who did as much to make it such as Frank and Jesse James? If it was a robber's roost, with devouring vultures sitting on the limbs, what were Frank and Jesse James when they congregated there with the younger birds? By whose counsel, example, or encouragement, were all the young members of this band induced to join it, and to give themselves over to lives of shame and bloodshed? Who but Jesse induced Dick Liddil to leave the vocation of a farm hand in The Six Mile, in my own county, to be a bandit and a train-robber? Who but Jesse James took Bill Ryan from his little home, there on the Blue? Who made of him an outlaw and a desperado, until he fills a felon's cell, and his widowed mother an untimely grave? Frank and Jesse James. Who led Wood Hite along the slimy way of vice, until he perishes from his own viciousness, and is tumbled into the ground without a tear, and without a shroud? Frank and Jesse James. Who took the green, "gangling" boy, Clarence Hite, from his home in old Kentucky, rushed him along the path of robbery and murder, until he fills a convict's cell, and a convict's grave? Frank and Jesse James. Who taught the Ford boys to kill for money? Jesse

James. I am not here as a defender of the Ford boys. I have nothing but condemnation for their method and their motive in slaying the bandit king. But neither he, nor his admirers, can be heard to complain. He fell at the hands of his pupils, and according to his own methods. As the old eagle, to teach her young to brave the winds in search of prey, bears them upon her wings from off the craggy cliff, and trains them above some surging vortex in the sea, so did Jesse James hold the Ford boys above the black vortex of crime, and train them for robbery and assassination. Well might the poet say of his fall, as he did of the eagle, struck down in his flight for prey, by the aid of a feather dropped from his own wing:—

“ So the struck eagle stretched upon the plain,
No more through rolling clouds to soar again,
Viewed his own feather on the fatal dart,
And winged the shaft that quivered in his heart.

“ Keen were his pangs, but keener far to feel,
He nursed the pinion that impelled the steel,
And the same plumage that had warmed his nest
Drank the last life drop from his bleeding breast.”

Farewell, Jesse James, prince of robbers! Missouri cries a long, a glad farewell! Cruelest horseman that ever wore a spur or held a rein, seeming oftener like Death himself on his pale horse charging through the land, than feeling man, farewell! farewell! Foulest blot that ever marred the bright escutcheon of a glorious State, farewell! farewell! Yes, thou bloody star of murder, hanging for years like a thing of horror in our very zenith, frightening science and civilization from our borders—I condemned the manner of thy taking off, yet I could but join the general acclaim, when, seized with the shock of death, we saw thee reel in thy orbit, and then plunge forever into chaos and eternal night!

But while I talk thus of Jesse James, I will deal more justly and tenderly with his memory than has his brother now on trial, and those of his kindred who have come as witnesses to screen him from his crime. I will not desecrate a dead man's memory and heap additional infamy upon his widow and children after his voice is hushed in death. Missouri's sunshine and showers will kindly nourish such flowers as the widow of Jesse James may plant upon his grave, and so will I. Let it remain for brother and kindred to go thither and scald their lives out by pouring upon them the hot blood of McMillan, shed by Frank James at Winston.

Possibly I have followed my defending brothers in their far-fetched attempts at sympathy or prejudice farther than I should have done. Let us return to take up Liddil's evidence at the house of the Fords. He says the defendant was frequently there in 1881, and all the Ford family say the same. Frank James made these people his associates; they are at least as good as he; they are his peers, and let him stand by their testimony. We have now come to the preparation proper for the robbery. I will omit the procuring of horses, in which Liddil is corroborated in every item. He says, with the Samuels' homestead and the Fords' as headquarters, they made three trips in search of a train to rob. The first trip to Chillicothe I will omit. The details are given by him, but the defense fails to contradict him at any step. The other two trips were both made to your own county, one about two weeks before the robbery and the last when it was perpetrated. The corroboration of these two trips is wonderful. You can actually trace the band through and back again without his testimony.

Take the first trip: Liddil says he and Frank got breakfast at a house in your county—which he so minutely described that you know it is Mrs. Frank's, and Mrs. Frank corroborates him; that he and Frank James then went a few miles to a blacksmith shop to have Clarence Hite's horse shod, and Jonas Potts corroborates him—picks Liddil out here on the street during the trial, and identifies the defendant; that they then started back, staying all night at Wolfenbarger's, describes the house, barn, family, tells of Jesse being sick here, helping to load wool, etc., etc., and Wolfenbarger identifies both him and Frank James, and corroborates him in every detail; that they then passed on to a place and got dinner, and Jesse was taken to town in a buggy, describing surroundings to you, family and everything, and the Brays come and corroborate him in full. This was the first trip. I have not given half the minutiae; you remember them; he was contradicted in nothing. Look at the trip when the crime was committed. He says they rode from Mrs. Samuels', starting at the usual time, good dark, and rode about all night—five of them on five horses. He describes these horses, and your best citizens come and describe them just as he does. He says that on the day after starting, as they came they separated, Frank and Clarence turning off slightly to one side and the balance to the other, and minister Machette—just in the right neighborhood—picks out Frank as being at his house with a tall young fellow for dinner just at this time; that they came and camped at night in the

woods, just about a mile from Gallatin, so describing two houses close by that any citizen could go at once to the place; that on this trip Frank and Clarence went to the same blacksmith shop to get Frank's little bay mare shod, and Jonas Potts, Mrs. Potts (his wife), Wash Whitman, and 'Squire Mallory corroborate him, and identify the defendant; that when they broke camp in the woods, near Gallatin, on the morning of the day of the robbery, they separated, Jesse and Wood going together, Frank and Clarence together and he (Liddil) by himself; and thus, taking different routes, they went from here to the appointed place of meeting in the woods, close to the scene of the crime; and in making this trip, about nine miles, all loiteringly, he got his dinner at a little house, describing it "where they had a blind girl," and Mrs. Kindig and her daughter say this was their house, and corroborate him in all details, and say they picked him out since the trial in crowded Gallatin as the man; and sure enough, we find them thus separated, for Ezra Soule says he saw Frank at this place of meeting in the woods, and describes Clarence as with him; and Mrs. Montgomery and her daughter put Jesse and Wood, by accurate description of them and their horses, bays, at their house for supper. He says they then went from this place in the woods and committed the robbery, and tells all the details as to the manner of its being done; and those on the train corroborate him in every particular.

After the robbery he says they went to the Fords' and Mrs. Samuels', and tells as to the turning loose of the horses; and in all he is corroborated, for they are found and the owners get them back. He says they stayed on this side of the river for some weeks, and then bought a wagon from Mrs. Samuels, hitched his horse and Charlie Ford's pony to it—Charlie joining the gang, as is conceded, after the Winston robbery—and crossed the river at Kansas City, one of them having on women's clothes as they went over the bridge, and separating in Jackson County; the wagon was left at J. W. McCraw's in the Six Mile, and his horse returned to Lamartine Hudspeth, from whom he purchased it—and the Samuels family corroborate him as to everything except that the living James was along, and McCraw as to the balance. He is finally fully corroborated as to the time and manner in which Frank James left Ray County for Kentucky, in October, 1881, by Ida Bolton and the balance of the family, and by Mr. Hughes, a banker at Richmond, who says he

believes Frank James to be the man he saw taking the train at this time. While listening to gentlemen for the defense, I counted fifty-six material instances in which Liddil is corroborated, and I could have extended it to a hundred or more. With all these details, he is not contradicted in a single instance. It is only contended he is in *two places*. Once when Liddil, in describing a house close to Gallatin, said he "thought it was a two-story white house;" and witnesses are actually put on the stand to show it was "a story-and-a-half white house." What a miserable effort to break a man down, who is describing scores of places he never saw before nor since. The other contradiction is only attempted by one attorney, Mr. Slover. He says Liddil says there were five men at Bray's, and the Brays say four. But even Mr. Slover's associates, and every reporter in this trial, will bear me out that Liddil said Wood Hite had gone back on the train, and that Jesse, Frank, Clarence, and himself were at Bray's.

This is Liddil's testimony. He was cross-examined for hours without ever varying from his testimony in chief, in a single instance. In the very nature of things it is bound to be true. No man could manufacture such a story, carrying it along with hundreds of details over a distance of sixteen hundred miles, without contradicting himself; much less, have scores of witnesses come in and corroborate him at every point. No man could put an innocent person in an expedition like this, on different horses, at dozens of places sometimes alone, sometimes with all the band, sometimes with one other, on trains, in houses, with families, in the woods, under all the varying vicissitudes, covering five months of time and a distance of sixteen hundred miles, and then be rushed through a searching cross-examination for half a day without an error. He could as easily perform a miracle. The State has simply taken Liddil's statement and drawn it together link by link, and then invincibly forged each link to its fellow, by corroborating testimony, until we have an unbroken and unbreakable chain stretching from Nashville to Winston. We sometimes follow the streamlet making its way feebly, but unbroken, down the mountain side, but after a little another streamlet meets it, then another, and another, until at length, a resistless torrent, it sweeps on to the plain beneath. So the evidence, taken as a whole, gathers and strengthens in this case. So, ultimately, like a torrent, it sweeps along, bearing upon its surging crest all the "banners"

and "flags," prejudices and technicalities with which the defense have striven to resist its flow.

The strongest, yet far shortest, part of the evidence is yet to be examined. This is the testimony of twelve conscientious, intelligent witnesses, who identified Frank James as one of a band seen in this section about the time of the robbery of this train. Most of them, without any assistance, have picked Liddil out from the crowd of strangers on the street here since the trial, and identified him as easily as they do Frank James, though not a peculiar man in appearance, as is the defendant. Neither the reputation nor intelligence of these witnesses can be attacked, for they are all splendid citizens. Something must be done; and wandering as far from the testimony as Neptune wanders from the Sun, each lawyer for the defense makes a witness out of himself, and cites numerous instances of mistaken identity from the books and other instances which they assure you they know about themselves until they would reason you into the conclusion that there is no such thing as identification. To listen to them, you could not swear to one another a year hence. Having been housed up here for two weeks, you will fail to identify persons living along the road to town, as you return; and will not know beyond a doubt, your wives and children when you reach your homes. Such a doctrine as they have sought to instil into your minds is simply monstrous. It is contrary to all human conduct and experience. We act upon the law of faith in what other men see, every day of our lives. All history is founded on what others saw, and bear witness to. The Christian world today, containing teeming millions of human beings, in considering the fate of the immortal soul—the profoundest topic presented to the mind of man—is resting its faith upon a simple question of identification. The religion recognized by the laws of this nation, and which require you to take an oath to our God at the outset, hangs upon the testimony of twelve plain witnesses as to the miracles and identity of a risen Savior. Paul, the greatest of these witnesses, and one of the most logical and towering intellects the world has seen, based all his hopes for eternity on a single sight of a risen Lord.

The testimony of our twelve witnesses is as follows: The first three witnesses are William Bray, his wife, Mrs. Bray, and their son, R. E. Bray, well-appearing, intelligent people, living, as you remember, where the four came for dinner, and Jesse James was taken to town sick. They all described Frank James with his "burnsides," and testify that, to the best of their knowledge and

belief, the defendant is the man. You remember Earthmar Nashville, says Frank wore long, full lightish whiskers in Nville; and Liddil and all the Ford family say he had pretty "burnsides" this summer, having shaved the chin.

4. The fourth witness was Jonas Potts, the blacksmith, had two good opportunities to see Frank James; and he ident him and testifies positively that he is the man. He picked L out in a crowd, and singled out the little bay mare in a li stable in Liberty, and recognized her shoes as his workmans why can he not as well be absolutely correct in identifying F James, confessedly one of the most unusual men in appearance the country?

5. Mrs. Jonas Potts saw Frank and Clarence at her tab breakfast—says Frank called the young fellow with him "Gence;" and she tells you she has no doubt about this being man.

6. 'Squire Mallory is one of your oldest and most intelli citizens. No man can breathe aught against him; he tells yo realizes a man is on trial for his life, but he saw this defendant Potts' shop just before the robbery, and is so positive of it he no hesitancy in swearing to it.

7. Wash Whitman shows by his appearance and demeanor that he is a most excellent and sensible citizen. You know I not saying more for any of these witnesses than they deserve. could not select better persons in your thriving county if g your own time for the task. Whitman says he was at Potts' at the same time 'Squire Mallory was, and, to use his own words: "I am as confident as I am of anything this is one of men I saw there. If I had any doubt about it, gentlemen, I w not say so." Whitman was a most sturdy, honest-looking fel and the defense as good as said, "That's the God's truth," by venturing to ask a single question in cross-examination.

8. Mrs. James Frank, you remember, is a lady at whose house two of the men got breakfast before going to Potts'. She positively Frank James is one of the men. All of these witnesses you remember, also described the defendant in the same way: demeanor, clothing as far as they can recall, and say he had light "burnsides," or, as some termed it, "sideburns."

9 and 10. Frank Wolfenbarger and his sister, Mrs. Cnar Lindsay, are wide-awake, industrious, well educated young people. They testify that defendant stayed all night at their house at the time Liddil says they did, and they have no question :

his identity. Each of them identified the defendant positively the first look they ever got at him.

11. Ezra Soule is a somewhat peculiar old gentleman, perhaps, as the defense claims, but his curious, inquiring turn makes him all the better witness. He says he was hunting blackberries in the woods and ran across Frank James; took him and his partner to be horse thieves, and talked with, and watched them especially on this account, and testifies that this beyond question is one of the men.

12. Rev. Mr. Machette, a minister of the Christian Church, is a gentleman of considerable culture and extraordinary memory. He notices minutiae like a woman. He tells you that a few days before the Winston robbery two horsemen were at his house for dinner. He charged nothing, but they paid anyhow. He says that he is so sure that Frank James is one of the men, that had he charged for the dinner and met the defendant yesterday in the road, he would have presented his bill without hesitation; that there can be no doubt about his being the man. After relating, both on direct and cross-examination, what occurred while the horses were being fed, when the call was made for dry feed (for a long ride, etc.,) he says they went into the house, and Frank James, noticing he had a library, began to talk books. In an effort to find out something about his mysterious visitors, Machette asked questions as to their acquaintance with towns lying south of him, and was puzzled with skillful evasions. Once, in answer to a question about whom he knew at a small town, the defendant said: "What do you think of Bob Ingersoll?" Finally the defendant, he said, got to Shakespeare, and after passing encomiums on this great genius, arose and recited extracts from his plays (the slouchy Sphinx, *alias* Wood Hite, *alias* "Old Grimes," no doubt). A man, gentlemen, may change the exterior of his person, but he cannot change the complexion of the mind within. This is a most remarkable mental characteristic for a western bandit. To say that it is nothing uncommon for a train robber to go through the land spouting Shakespeare is preposterous. There is no getting away from the identification furnished by Mr. Machette. It "makes assurance doubly sure." Dr. William E. Black, one of the best citizens, testifies that since Frank James has been in jail, he had a long conversation with him, in which he talked much of Shakespeare, and of his plays, naming, I think, Macbeth, Richard III, Hamlet, and others; and passing his opinion on Barrett and others, whom he said he had had the pleasure of seeing. The nail was

driven through by the other witnesses, but the testimony of Machette and Black, taken together, rivet forever the identity of this defendant. This completes the evidence for the State—abundant, conclusive, irresistible.

What is the defense? To meet such overwhelming proof on behalf of the State, an unprejudiced mind would naturally say it ought to be honest, genuine, complete. What is it? Any honest defense, known to the charge of murder—self-defense, insanity, an *alibi*? They are actually ashamed to name it. Col. Philips says, "I don't know what you would call it." Mr. Glover's definition would do credit to some of our modern scientists: "It is an *alibi*, whose strength consists in its weakness." The fact is, gentlemen, it is an attempted *alibi*; but to sensible men so transparent a dodge that they are ashamed of it. The attempt is to show that Frank James was in Texas, and not at Winston, in the State of Missouri, on the 15th day of July, 1881. Every witness brought to show this is a member of the family; Mrs. Samuels, the mother of defendant, John Samuels, his brother, Mrs. Palmer, a sister, and Palmer and Nicholson, brothers-in-law, and defendant himself, are the witnesses. Mrs. Samuels is a mother testifying for her son. She says he was not at her house in 1881. I am not going to abuse her. Her testimony is contradicted by nearly a score of absolutely disinterested witnesses. She is bound to have known Jesse and his band were robbers and plunderers, and yet she willingly fed them all; and readily said on the stand: "Yes, Mr. Wallace, I furnished them a dress when they went off in the wagon; I did this so you officers over there could not catch them." Would she not shield Frank from the law as quick as she would Jesse—now the scape-goat of all the sins, it would seem, of both? Take her testimony, gentlemen, together with Col. Philips' eulogy, and give it the weight you know it deserves. Mrs. Palmer is a sister, testifying for her brother on trial for his life. I am going to leave her, too, without any abuse, or criticism even. No sadder sight is ever seen in life than a woman put on the stand as she was. You know that Frank James was not at her house in the summer of 1881, as she says. I will say this for her: she seemed to appreciate her terrible situation on the stand, and to feel relieved when the awful task was ended.

I cannot say as much for her husband, Allen Palmer, of Clay County, Texas. He travels a thousand miles to utter a single sentence. "I worked for a railroad in the summer of 1881, and

when I came home in August, Frank James was there." This is all; and his mouth is closed as with a grip of death. He is one of those *alibi* witnesses seen quite often in our courts, who bobs up and swears to one single fact, and then falls back forever into the oblivion of forgetfulness. He knows it was 1881 when Frank was there, because he, Palmer, "worked for a railroad." "On what part of the road, Mr. Palmer?" "Can't remember." "For what contractor?" "Can't remember." "For what boss?" "Can't remember." "Give name of any man working with you, or near you that summer?" "Can't remember." "Was your name on the pay rolls of the company?" "Can't remember." Of course not; we might examine the rolls. "Who did you board with?" "Can't remember." "Give the name of any man who paid you any money, or who saw you there?" "Can't remember." No man who heard him was fool enough to believe a word he said. What a contrast between Liddil and Palmer—between open truth and skulking error.

John Samuels, defendant's half-brother, deserves scarcely a mention. Every attorney for the defense stamps his testimony as false. For twelve hours they have exclaimed at the top of their voices, that the band beyond question was composed of only four men, Jesse James, Dick Liddil, Wood and Clarence Hite—and turn their backs in scorn on John Samuels, who named these four, and also Jim Cummings. His evidence does but one thing, and that is to show the impossibility of Liddil's putting an innocent man in the gang and tracing him through such multiplied and changing vicissitudes; for you remember when Samuels was put on the stand, doubtless for the express purpose of putting Cummings in the band, he left him out twice in naming the gang, and then only put him in in an answer to a most leading question; and Mrs. Samuels, the very first time she tried it, made exactly the same mistake.

For Thompson Brosius, who testifies he was on the train and thinks Frank James is not one of the robbers, a man has nothing but astonishment and sympathy. He has been visiting James in jail until, in pursuance of a maudlin sympathy, he has possibly brought himself to think he is not the man. The truth is, like Major McGee and every other witness on the train, he knows nothing about who it was. Ten or twelve of the best citizens in Gallatin come before you and impeach Brosius in a most terrible manner. To some he said he was so scared that "the men looked fifteen feet high, and their pistols four feet long, with muzzles as

big as your hat," and "he would not know them if he saw them." Those in search of an accurate description went to him, and he said he could accurately give none; and to add to his pitiable plight as a witness, his own brother-in-law and partner, takes the stand, and says Brosius went to see defendant since his being placed in jail, and came back and said he "could not say whether James was one of the men on the train or not—could tell nothing about it."

The only witness for the defense whose evidence is worthy of consideration is the defendant himself. And what a failure he made. You never saw a poor wretch caught in the very act of theft who did not go on the stand and tell a more reasonable story. To those unaccustomed to such things he recited his story on direct examination with some plausibility. He admits he went into Kentucky, but there he was constrained to leave the boys, after imploring them, in the name of his mother, and all that was holy, not to come into Missouri. This was, you remember, in the spring of 1881. He then went, he says, to Louisville, thence to Memphis, thence to Denison, Texas, and thence to his sister's, in Clay County, Texas. In this last section he remained most quietly until September 9, 1881, when he left and went to Kentucky and met his wife, thence into Virginia and North Carolina. The cross-examination comes. To understand this entire evidence you must reflect that when he said he went to Texas, no effort was being put forth to capture the band, and that the pursuit commenced in terrible earnest after the Winston robbery of July 15, 1881. The latter part of his testimony as to going into Kentucky, Virginia and North Carolina, was doubtless true; and knowing he would delight to corroborate himself, I first went over the ground with him—all subsequent to the robbery and when the band were falling one by one in the hot pursuit. He gives the towns he visited in Kentucky, gives exact dates, describes hotels, and gives *aliases* under which he registered. No man could ask more. He goes into Virginia, and does the same in a number of instances, and does as well in North Carolina. He then comes back into Virginia, and at Lynchburg, where he says they lived, he describes their house, from whom rented, where they bought groceries, and gives names of citizens who saw them. This was splendid. All at once, however, we change, and he is asked now to go over his trip to Texas, *covering the time of the robbery*, and give details on his trips through Kentucky, Virginia and North Carolina; and alas! our light goes out, and we at once sit down with him and Allen Palmer in eternal oblivion. Not a single hotel can

he name or describe from Louisville to Clay County, Texas. Not a single place where he registered from April to October, 1881. He finally mentions just one man he saw during this whole time, at Denison, Texas, and he absolutely refuses to give his name. A man with scores of details, on a trip in the fall of 1881 and winter of 1882, when no crime for which he is charged was committed, cannot get outside of his own fancy to give a corroborating straw as to his whereabouts in the summer of 1881, when this train robbery and murder was going on in Missouri.

It is idle to talk about such testimony. Frank James was at Winston, engaged in robbery and murder. Every man on this jury knows it. God and His angels know it.

We have now, gentlemen, examined the law and the evidence. One would suppose that in a Court of Justice, where remarks must be confined to the law and the evidence, my task was ended. Yet I should fall far short of my duty to the State of Missouri, if I sat down without noticing some extraneous appeals that have been ingeniously made to you for the acquittal of this man, and upon which some of the attorneys laid far more stress than upon the law or the evidence.

First the appeal is made that Frank James ought to be acquitted because he "surrendered." When ordinary men place themselves in the hands of the officers—as they frequently do, and are often convicted, too—we say, "he gave himself up"; but when Frank James places himself in the hands of the officers, his attorneys continually talk to you about it as if they announced the close of some great war, in the "surrender" of the last chieftain—but let the term be used for what it is worth. Col. Philips says because he came in and surrendered he ought not to be prosecuted.

COL. PHILIPS: I said no such thing.

MR. WALLACE: You said it in substance a dozen times. Your speech was full of wails about the "persistency" and "revenge" of this "prosecution." You want him prosecuted right easy, then; *right easy*, which is worse. A milk-and-cider prosecution is worse than none. "Surrendered!" Frank James "surrendered!" When did he "surrender," gentlemen—when, I ask? When, as the last one of the band, he was left helpless and alone, and the messengers of the law were hot upon his track; when Jesse James "slept the sleep that knows no awakening"; when Bill Ryan's pistols had been taken from him and he was held in the iron grasp of the law; when Jim Cummings had fled forever from the deathly vengeance of Jesse James; when Wood Hite, awfully shrouded, slumbered in his

awful tomb, and the green grass of Kentucky was springing up on the grave of Clarence; when Dick Liddil and Charley Ford had come in, and the officers, fully informed, were pressing swift upon his heels; when a ten-thousand-dollar reward, like a vengeful Nemesis, hovered about him by day, and stood like a horrid spectre beside his couch by night. And now, having fled from the terrors that beset his path, and given himself up, we must all join in one general acclaim, and he must be acquitted because he "surrendered." Now, that the storm of the people's wrath has blown so hotly across the crimson sea of murder upon which he launched his boat in 1881, and the lightning played so fiercely, and the waves dashed so high, that like an affrighted, tempest-tossed pirate, he has rowed his way hither to the shores of civilization, we all forsooth should meet him on the beach, and with waving handkerchiefs and loud hurrahs conduct him, like a returning Cæsar, in triumph through the land; charming ladies should flock about him as if to kiss his hands, and make their lips the redder and their cheeks the rosier; counsel should only speak of him with becoming reverence; the Judge upon the bench should twist the law to suit his case, and jurors in suppliant homage should bend their oaths and issue a pardon to him without leaving the box. In the name of justice, gentlemen, I beseech you to stand by your oaths! You have no right to pardon this defendant, for the pardoning power, under our system of government, is lodged elsewhere than in the jury box. Such appeals as counsel have made to you might in the earlier times, have been made with propriety to a Greek or Roman jury, for they could lawfully pardon one on trial; but what was proper performance of duty with them, might be perjury in an American jury.

Again, you are most cunningly urged to acquit because the defendant was a soldier in the "lost cause." Your sympathies and prejudices are continually appealed to in this behalf. In the opening statement for the defense, before they had even introduced their evidence, the counsel boldly told you, that you, yourselves, would remember some man, naming him, who at the close of the war returned from the army to your county here—as his client fain would have returned to his county—and was shot down like a dog. He even went away from your county, and named some returning soldier who was similarly shot down on the streets of Lexington, Missouri. Governor Johnson once, or more, referred to the defendant as having been a "gallant soldier"; and any number of times you heard from them the

expression, "a soldier with Gen. Shelby." But the climax was reached when Col. Philips, in speaking of the surrender of the defendant, said that when he saw that Frank James had handed his pistols to the Governor of Missouri, he was surprised that the whole matter was closed up so quickly; was astonished that in twenty short years all the "bitter animosities of civil strife were ended"; in plain English, gentlemen, that the surrender of Frank James is to be taken as the end of the "lost cause"—that the "lost cause" wound up in pillage, plunder, train robbery and murder. Gentlemen, when he said that, I thought I heard Robert E. Lee, Stonewall Jackson, Sterling Price, and all the gallant host of Southern chiefs who slumber by them, roll over in their graves and murmur, "No! No! No!" Yea, I thought I saw every Confederate graveyard throughout the South yawn in an instant, and each and every sleeping soldier come forth in battle garb from his narrow home, and all shout out in clarion voices, "No! No! No!" And even as they went back, like receding ghosts, I still heard them shouting, "No! No! No!"

Col. Philips talks to you about the Confederate flag, or, as he puts it, "Frank James's flag"; "my flag went up; Frank James's flag went down," and so on. Why unfurl the old Confederate banner here? We hear the drums beating; we hear the hoofs of horses prancing; we see the sabers gleaming; we see the old banner floating in the sky, and beneath it we behold, dashing into shot and shell of battle, as honest, gallant, and conscientious a host as ever fought and bled, and bled and fought, on gory field; and when at last—repulsed, riddled, conquered—they lost the day we see them lay down their arms, and with tearful eyes, nearly twenty years ago, fold the tattered old banner and lay it away forever to rest, and each soldier depart for his home with the language of their poet laureate on his lips,—

"Furl that banner for 'tis weary,
Round its staff 'tis drooping dreary;
Furl it, fold it, let it rest."

But it remained for one of Frank James's counsel, near a score of years thereafter, to unfurl that banner before a jury in a Court of Justice, and to ask them to heap insult upon it and upon all who bore it, by besmirching it with the fresh blood of McMillan and Westfall, and rolling up and hiding beneath its honest folds the paltry plunder obtained by hellish robbery and fiendish assassination at Winston. Will you acquit the defendant, and do it? God forbid.

COL. PHILIPS: No such statements as you have been repeating were made direct, or indirect.

MR. WALLACE: I took your language down, and appeal to every man who heard you, to say if I am not correct. You are interrupting for the sake of interruption. You had four hours yourself, and now you are growling all through my speech. You are like an old setting hen—cross both off and on the nest.

Again, it is adroitly urged that the defendant ought not to be held strictly accountable for this crime, because, if done by him, it was done in just revenge. Possibly some juror says, "There is something in that, too;" we will see. Governor Johnson, you remember, said, "Possibly the defendant could not live here and lead a quiet life after the war." I give his words in substance. All through the speeches for the defense this idea was evolved in divers ways, namely, that the acts of depredation committed in Missouri since the war were done in pursuance of a just revenge, or such a revenge as would naturally cling to the human heart. The hardships of the defendant and the "bad treatment" of the family of Mrs. Samuels could have been held up in glowing colors by Colonel Philips and others for no other purpose. Of course, they do not admit, nor do I insinuate, that the defendant had anything to do with these acts. But by whomsoever committed, I deny that revenge had anything to do with it. Money, money, money has been the ruling motive every time. As so much has been said about this, go back in memory over every daring bank robbery and train robbery committed, from the Alleghanies to the Rockies, since 1868, and see if former friend and foe have not both suffered; and see if for every drop of human blood that has been shed, there has not been a corresponding shining dollar in the murderer's pocket. Oh, no, gentlemen, this is all a pretext. *Money*, not revenge, is the demon that has wrought this woe.

Lastly, and chiefly, you are urged to acquit on the broad ground of chivalry. Here the pyrotechnics of the orators played in reddest splendor, and such expressions as "no man with a spark of chivalry in his bosom," and a hundred kindred others, fell about you in greatest profusion. The man of chivalry, with his deeds of daring, was dressed up in shining, fiery apparel, and held up in glory to your enraptured view. Gentlemen, every man extols a noble, unselfish, daring deed; every man admires genuine bravery; and I believe I can go in admiration along the line of chivalry as far as any man alive. Bring forth your soldier, stern, cruel, and powerful as an ancient giant warrior; give him shield and helmet

and two-edged sword, and in time of war lead him forth to battle, and let him deal death and slaughter right and left, till the air is full of moans and his track is thick with dead and dying, and before I have thought I have followed him with admiration at every step. In time of war equip your horseman; give him torch and glittering blade, and let him dash into the land of the enemy, spreading fire and desolation along his way, and plunge into the ranks of the foe until blood flows up to the bridle bit; and when he is done, while I have condemned his horrid work, I have applauded his valor at every bound of his steed. We have all found within us a disposition to dwell in admiration on deeds of blood and daring, when we hastily left the page of history, where we found recorded the bloodless wonders of the Holy Land—where olive branches grew, and shepherds watching their flocks by night heard angels chanting in the skies, "Peace on earth, good will to men"; and turned to dote on the blurred and bloody page of Rome, the military academy of the world, and oftentimes its human slaughter house; to follow the victorious eagle soaring above the crushed out lives and liberties of nations; to stand with the noisy rabble and watch the triumphs of Roman generals returning from gory conquests; or sit and gaze on the dread arena where man and beast, or man and man, struggled in deadly combat to amuse the cruel crowd. But there is a length to which we can never go—a boundary line lying between bloodshed in war, or from necessity, on the one hand, and bloodshed for money on the other, which the human heart in all its admiration for chivalry will never cross. Seventeen years have rolled away since the last alarum of war was sounded; a great nation is intently engaged in honest toil, and the whole land, from one end to the other is wrapped in the sweet embrace of peace. A pioneer axman, with the sweat dropping from his brow, is felling his tree in a western forest; and an idler, armed to the teeth, steals upon him, shoots him down and rifles his pockets for money. Or, as in the case now on trial, a noble train is steaming across a western prairie; it is a summer's night, and the hush of peace is bounded only by the silent stars above and the voiceless dewdrops on the earth beneath; a band of outlaws come sneaking forth from the woods, attack the train, shoot down unarmed, unsuspecting men, all for a few miserable dollars in money—and before I am through the human heart and brain are exclaiming, "There is no chivalry there! that is murder—cold, cowardly, foul as hell!" Call such work bravery if you will till the tongue is tired, but there is no bravery, no chivalry about it! There is no chivalry that goes be-

yond the rule laid down by that immortal poet whom Frank James seems to have read so much, and whose injunctions he should have heeded—

"I dare do all that may become a man;
Who dares do more is none."

Gentlemen of the jury, I have taxed your patience long enough and will close. However much you may sympathize with the defendant or his family, the evidence for the State is absolutely conclusive, and must sweep from your minds every doubt as to his guilt of this crime. I have striven to perform the task assigned me as best I could; you know your duty far better than I do. Some of you are young—in the springtime of manhood, with the flowers of hope all budding about you and looking to the future with bright and glorious anticipations. It is a matter of importance to you that your lives be spent in a land where life and property are protected. Some of you are in middle age, upon your farms and in the midst of your substance and your families, and surrounded by all those sacred and tender interests suggested by wife, children, home, fireside. It is a matter of vast importance to you that law and order may prevail, and that robbery and murder come not to you or yours, when sleeping beneath your roof or traveling upon our public highways. One or two of you, I see, are growing old, and the silver locks upon your temples, like white plumes on the slow-moving hearse, remind you that your narrow home is not far away; yours is the solemn duty of handing down intact to your children and children's children, those laws and liberties intrusted to you by those who went before. All of you, as citizens, and now as public servants, are intensely interested in the peace and prosperity of a glorious State. The eyes of the world are upon you, and the sacred honor of Missouri is intrusted to your charge.

Col. Philips tells you that he "loves the State of Missouri loves her institutions; loves her people; loves her honor." Has not one older than myself, with all propriety, used the word "love," I do not know that I would have arrogated to myself so much of patriotism as to employ so strong a term; but now that the example has been set, I trust that I, who have been reared from boyhood on Missouri soil, may follow along and say that I, too, love my grand and glorious State; love her forests and rolling prairies; love her hills and flowing streams; love her free air and black soil yielding quick to the touch of man in abundant grain, fruit or flower; and most of all do I love her hospitable, big-hearted people.

in whose midst even prowling robbers, as in this case—unknown except to a few as such, thank Heaven!—may find, if they choose, abundant food and shelter without a farthing's pay. What a magnificent State!—with her hundreds of thousands of happy, prosperous, intelligent law-abiding inhabitants, and resources enough within her own boundaries, if tested, to supply their every want; with thousands of miles of railroads, built largely with money received from the toil of her own sons, for the welcomed incoming and onward march of progress and civilization; with towering, cultured cities springing up on her borders, and fretted within with churches, colleges, and innumerable school houses. While all this is true, I must also agree with Colonel Philips that Missouri has been maligned, slandered, vilified, as has no other State in the Union. It is a proud fact that good laws are as firmly and impartially executed here as in any State in America, but common candor forces the admission that while the bad stories heralded abroad have been exaggerated a thousand fold, they are not totally without foundation. A few desperate men *have* perpetrated on Missouri's soil as daring robbery and bloody murder as the world ever saw, and thus heaped odium on the people of the whole State; for you know by the evidence that the town of Winston, in this State, was the scene of such a horror on July 15, 1881.

You now have it in your power, on overwhelming testimony, to proclaim to justice and the world our people's disapprobation of this horrible crime. Alas! if with Frank James's guilt as clear as noonday, you should—from sympathy or prejudice—find as these gentlemen are beseeching you to find, what eternal stigma would you bring upon yourselves and your State. Gentlemen, hear me when I say it, let the Court hear me, for after all that has been said, it is my duty to proclaim it in deliberate reply—and would that I had voice so loud and shrill that it might resound in the remotest corners of your minds, and Heaven's most distant bounds might hear it—I say that a verdict of not guilty, on this overwhelming testimony, would bring greater shame upon the State than all the robberies, small and great, committed within her borders since 1868. It were far better for us, that this defendant had never given himself up to the officers, and had never been tried.

Colonel Philips talked much about popular clamor, whose mighty storm he seemed so much to regret and fear, and he implored your bravery to stand against it. So, no matter who the defendant is, or was, or who his friends may be, *we ask and implore*

you to stand bravely by your duty and your oaths given to your country and your God.

Gentlemen, my task is ended. May the "God who ruleth in the armies of Heaven, and doeth His pleasure amongst all the inhabitants of the earth;" "Who holdeth the hearts of all men in His hands, and turneth them as the rivers of water are turned;" may the "God of the widow and the fatherless"—of McMillan's wife and child—come into your hearts, and guide you to a righteous verdict in this case. I thank you for your kind attention. [Applause—suppressed by the Court.]

ANOTHER TRIBUTE TO MISSOURI

(From Lecture on Missouri.)

Note: A few years ago at the suggestion of a good many citizens of Missouri, Mr. Wallace prepared and delivered a number of times a lecture entitled "Missouri." This lecture portrayed the wonderful beauty of Missouri, set forth her unsurpassed development and defended the honor and civilization of her people. A part of the lecture was in verse. His devotion to his boyhood State prompts him to publish it now.

HEN all Nature smiles in the month of May,
Come behold Missouri at break of day:
Sunbeams are dancing in the azure sky;
Aurora is driving her horses by;
Star-eyed, she dashes through the streaming light
With radiant face and apparel bright;
Roses are tangled in her golden hair;
Ne'er yet was the goddess of morn so fair;
And the flowers she strews with lily hand
She's plucked from the soil of my boyhood land.

Now fleeing shadows close the reign of night,
And the heart is wooed by a magic sight:
Beauteous hills display their lofty heads;
Rich valleys awake from resplendent beds;
Fertile plains are greeting the ravished view;
Silver lakes are bidding the stars adieu;
Majestic mountains hail the flaming dawn;
Magnificent rivers go foaming on;
Stately woodlands bend to the passing breeze
Like trembling billows on gentle seas;
Streamlets are singing Nature's songs of love,
And the blue grass matches the skies above.

Ere long the blazing sun is mounting high;
Locked in his brilliant rays the landscapes lie;

Diamond dewdrops deck expanding green—
The angels could revel mid such a scene.

Roll back, O Time! make me again a child
Light-hearted to roam o'er the prairies wild,
Where flowers of every clime and hue
Are bathing their tints in the crystal dew.
Let me hunt again for my father's cows
Through towering forests with bending boughs,
Midst the gurgle of brooks, the buzz of bees,
And aroma that comes from blooming trees.
Where the young squirrel leaps from limb to limb
And the turtle dove cooes her plaintive hymn;
Where the wild turkey hides, the winds are mum,
The pheasant is beating his muffled drum;
Where the bounding doe is swift in her track
As she flees from the huntsman's yelping pack;
Where Phœbus is lavish with his warming beams
And the game fish leaps in the laughing streams.

Ah, let me feel again the pulse's thrill
As I listen to notes both soft and shrill,
For the song birds have found this matchless land,
And they gather hither from many a strand.
The robin proclaims the coming of spring,
And the bobolink makes the forests ring;
The lark greets the morn o'er the meadows wide,
And the whip-poor-will chants at eventide;
The canary trills in the poplars tall,
And the bobwhite answers the plowboy's call;
The oriole warbles where branches pour,
And the gentle wren by the farmer's door;
The faithful thrush sings morning, eve or noon—
The nightingale by the silvery moon,
While the mocking bird charms with sweeter note
Than Apollo's lyre or a siren's throat.

Beauteous, marvelous patrial home!
I find not thy match though the world I roam,
And Heaven her favors doth still bestow.
You're lovely now as in the long ago.

My heart is thrilled with the rapturous truth:
Missouri lives in perennial youth.

But Missouri displays her rarest charms
When beauty and plenty entwine their arms,
When the harvest come in this matchless clime
In bounteous, glorious summer time.
Then Ceres approaches on golden wing,
Scattering sunbeams while the sickles sing.
Then yellow fields in the radiance bask,
Yielding the toiler all that heart can ask.
Then the North and the South contend for the prize
In the most wondrous soil beneath the skies,
Where corn and cotton flourish side by side,
Clover and alfalfa in valleys wide;
Where all fruits their highest excellence reach,
The Northern apple and the Southern peach.
Peace and plenty are within our gates;
Ceaseless abundance on appetite waits,
For this is the land where the walnuts grow,
And the milk and honey forever flow.

APOSTROPHE TO MISSOURI.

Grand, beautiful, imperial Missouri!
No land hath bluer skies or purer air.
Thy men are brave; thy women are fair.
Whate'er is good, God has given to thee.
Thy resources are like a boundless sea.
With matchless climate, water, grain and grass,
In flocks and herds no State can thee surpass.
In precious treasure hid beneath the ground
Thou wearest the laurels the world around.

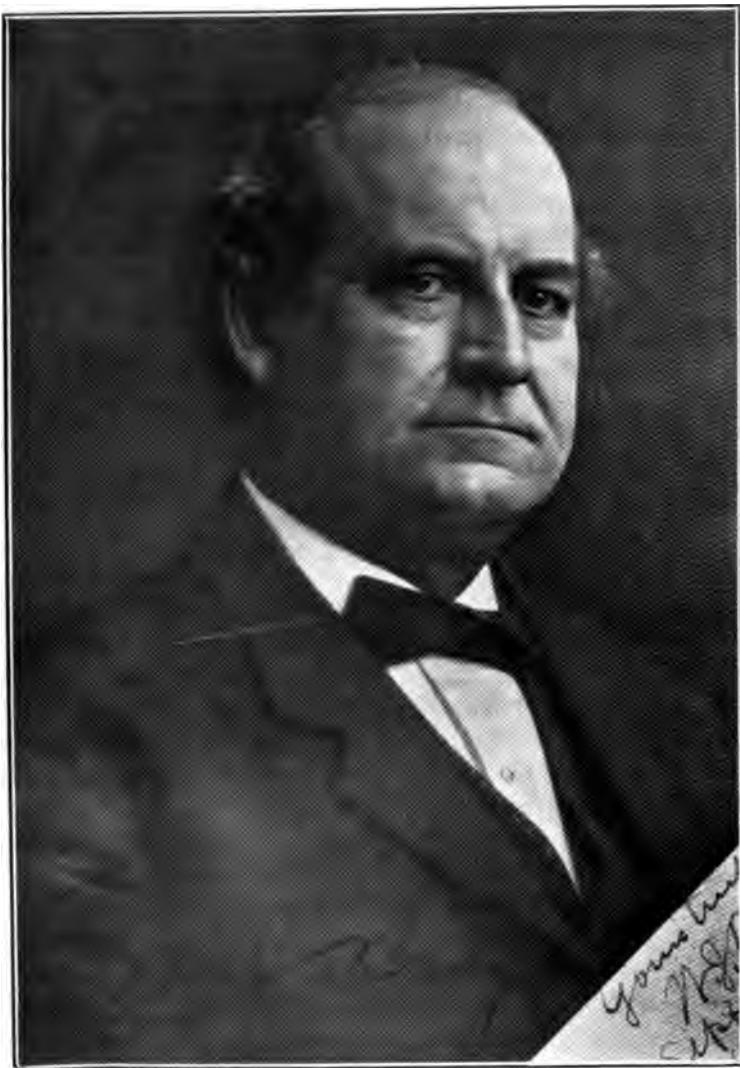
Hospitable, honorable, law-abiding Missouri!
Where the latchstring hangs on the outer door
Welcoming alike the rich and the poor;
Where the true Missourian despises lies
And exalteth honor to the very skies;
Where this is the motto of which he's fond:
"Your word, let it be as good as your bond."

Educated, progressive, God-fearing Missouri!
Where millions are spent for the human mind
And scholars become ripe as fame can find;
Where science carries her effulgent lamp
And progress follows with his iron tramp;
Where religion, that purer, greater light,
Illumines the way to the regions bright;
Where happy thousands are at altars kneeling
While Heaven draws near, its love revealing;
Where the highest honor beneath the sun
Is to love and fear the Almighty One.

Sacred, tender, hallowed old Missouri soil!
Thou catchest the tears when our loved ones weep,
In thy great black arms our ancestors sleep.
Under thy willows sainted mothers rest,
Angel children on thy silent breast.
Cold and unnatural thy son must be
Who turns in his hate and abuses thee.
As for me, wherever my lot is cast,
In honor's glare or disappointment's blast,
I'll defend thy name, thy praises repeat,
Till this loyal heart shall cease to beat.

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WILLIAM J. BRYAN.

WM. J. BRYAN

AN ILLUSTRIOUS AMERICAN COMMONER.

(Editorial in THE CITIZEN, just after the Democratic Convention at Baltimore in 1912.)

 ONE of the foremost characters in history is William Jennings Bryan. This is now the verdict of America and of the world.

Mr. Bryan is a typical commoner. His devotion to the common people has never been surpassed. The love of Daniel O'Connell for the down-trodden Irish was not stronger than that of Bryan for the people of America. His courage is intrepid, and if occasion required it, he would die for liberty as bravely as did Robert Emmett.

Mr. Bryan is a wonderful orator, and never was this gift more thoroughly appreciated. We have seen stalwart Republicans standing in line at the close of one of his great addresses eager to grasp his hand. He has probably spoken to more persons than any other orator the world has produced. An examination of history will prove that in this respect he leads Demosthenes or Cicero or Burke or Gladstone or Webster or Phillips or Clay. We claim that history will show, too, that he is the only political orator whose eloquence has thundered around the world.

Mr. Bryan has probably exerted a greater influence for liberty and humanity than any other unofficed statesman the world has known. Cicero and Cato were for years Roman senators. Burke and Gladstone and the Pitts spent most of their lives in powerful offices. Jefferson, Hamilton, Webster, Clay, Calhoun and Lincoln were all assisted by the prestige and power of the great offices which they held. Mr. Bryan stands second today to no man on earth, and he has risen to this eminence simply as a private citizen. We do not call to mind a political character who unaided by official power has risen to such a commanding position. As a product of the power of one splendid unsullied personality, Mr. Bryan's victory at Baltimore is without a parallel in the annals of political conventions.

But above and beyond all else, Mr. Bryan is a good man. There is now no more splendid example among men of the maxim that "goodness is greatness." All men now admit that his life is pure. For sixteen years he has been a prominent political figure in America. He has attacked wickedness in high places without fear or favor. Millions have been spent to destroy him. His whole life has been under the microscope. Yet they have found no blur upon his character. His faults are like those of Marcus Aurelius or Gustavus Adolphus. They are like spots upon the sun. He has been abused and vilified as no other good man has been in our republic except George Washington. Yet, like Washington, the calumny of his enemies has simply aided in adding luster to his name.

Professional politicians may proceed with their venom. Belmont and Murphy and Ryan may expend their thousands, but all combined will not destroy Bryan. He is entrenched forever in the hearts of the American people.

DAUNTLESS, BEAUTIFUL KANSAS CITY

THE STRUGGLE BETWEEN THE MORAL AND IMMORAL FORCES TO CONTROL IT.

Note: The following speech inviting the General Assembly of the Presbyterian Church to come to Kansas City in May, 1914, was delivered at Atlanta, Georgia, in May, 1913. The Commercial Club, the great civic body of Kansas City, joined in the request, and Mr. Wallace was sent to Atlanta to deliver the address of invitation. It will be noticed that while the speech is made to Presbyterians, the speaker is broad toward other denominations, to whom he has ever been grateful for kindnesses shown him. There was sharp rivalry between cities of several States for the honor of entertaining the Assembly. When the vote was taken, Kansas City's claims appealed strongly to the commissioners, and it won by a very large majority. The *Presbyterian Standard*, published at Charlotte, North Carolina, printed the speech in full a short time since. It made the following comment:

"The Assembly meets on Thursday, the 21st inst., in Kansas City, Mo., a city of about 250,000 inhabitants. Never before has the Assembly met so far West, and when the claims of that great, gorgeous and growing section of our vast country were voiced by the eloquent tongue of Judge Wallace, there was no resisting the appeal. 'The time and place of next meeting' does not strike one as a theme to evoke a speech of great power. It would hardly seem to offer scope for sublime flights of the imagination, or brilliant coruscations of wit and humor—much less for tender, persuasive appeals to the heart—yet no one who heard the eminent barrister from Kansas City would hesitate to testify that his speech combined all these elements in a most remarkable manner. For melting and moving power, it was the speech of the last Assembly."

The *Christian Observer*, published at Louisville, Ky., contained the following editorial notice:

"Kansas City will have the honor and privilege of entertaining the General Assembly of our Church in 1914. Only one ballot was necessary to decide, and the Assembly will go to the Central Presbyterian Church, Kansas City, of which Rev. C. R. Nisbet, D. D., is pastor. Judge W. H. Wallace, a ruling elder of that church, made a magnificent plea and completely captivated the Assembly with his magnetic address that sparkled with wit and convincing argument."

THE SPEECH.

Mr. Moderator and Commissioners:

WHEN I reflect that few of you know me or possibly care about me, and that many of you regard the city for which I appear as lying on the very borders of civilization and hence rather too rough and unlettered for the entertainment of a great scholarly body like this, I am led to conclude that your willingness to hear me for ten minutes is a splendid token of the far-famed chivalry of the South. I return my sincere thanks for your kindness. And I am emboldened also to hope that when you understand the merits of our cause that chivalry and justice will unite and the invitation of Kansas City be accepted, despite the splendid appeals just made to you for other cities.

A few days ago I made a motion in the Central Presbyterian Church at Kansas City, that you be invited to hold your session in 1914 in our midst. Here I got myself into trouble. For immediately thereafter I was urged and persuaded to come to Atlanta and extend the invitation in person. I am happy also to state that the Commercial Club, the great civic body of our city with a membership of over 2,000 business men, is joining in the invitation. I promise that if you will come, the hospitality for which Missourians are noted will be stretched to the utmost limit.

Many of you doubtless wish to know something of the whistling station now called to your attention, nestled midst the coyotes, jackrabbits and prairie dogs of the far West, the facilities for reaching it, its ability to entertain you, and as to whether or not you can serve the cause of religion and Presbyterianism by coming. Kansas City now has a population of about 400,000, nearly 300,000 on the Missouri side, and something over 100,000 on the Kansas side. The people on the Missouri side are inviting you to come. On this side there are probably 150,000 persons born and reared in the South, and who will welcome you. The Northerners will also greet you, for they have heard of your courage and your stalwart faith and wish to see you.

You will have no trouble in reaching our city. We have 260 passenger trains coming in or going out every twenty-four hours. These trains connect with others traversing every section of the Union. The Pullman business at Kansas City is the largest at any depot in America, and more pieces of baggage are handled at

our Union Station during the year than at any other station in the world. Kansas City is the gateway to the West and Southwest. It occupies the same position on the great highway of progress toward the setting sun that the Arc de Triumph occupies on the Champs Elysees in Paris. By the time you reach Kansas City our great Union Depot will have been completed. It will be the next largest railway station in the United States. It will cost thirty-five millions of dollars.

My people instruct me to tell you something of our business, for they say that Christians dwell on the earth just as other mortals do and must of necessity take note of material matters. We have the largest hay market in the world. Our trade in agricultural implements is the largest in America. Enormous buildings have been erected for this vast business with acres of floor space. We have the greatest horse and mule market in the world, and year by year we are pressing closer upon the heels of Chicago in cattle and hogs.

You doubtless wish to know something of our civilization. We have 225 churches, and enough public schools to keep over 1,000 teachers busy. Not long since, 32,000 children gathered at one time in our great Convention Hall.

Some of you, beyond question, are wondering what the appearance of Kansas City is. Thirty years ago it was probably one of the ugliest places in the universe. It is hard to conceive of an uglier place in Jupiter or Saturn or Uranus or in the mountains of the Moon. But there came over Kansas City the spirit of Louis XIV. *Improvement* regardless of cost became the watchword, and visitors competent to judge say we have today one of the most beautiful cities in America. We have 2,000 acres in parks. If you will come, you can be placed in an automobile and hurled along over fifty miles of connecting boulevards 100 feet wide, paved, guttered and sidewalked, with three rows of trees on each side and bedecked with as beautiful residences as modern architecture can design.

And we invite you also to "Grand Old Missouri," blessed by the Creator with a wealth of beauty and fertility unsurpassed in all the sisterhood of States. This illustrious body has not visited us for twenty-six years, and then you only touched our eastern border at the imperial city of St. Louis. Come and travel the 300 miles across our State in the daytime; see Missouri's black old soil and behold her product in grain and fruit and grass and tree and flower. Come and see this magic land, as magic as that

whereon we are now assembled—a land where corn and cotton are kissing the same sunbeams; where the apple and the peach hang in luscious beauty side by side; where the crabapple and the pomgranate are vieing in aroma and where the fragrant magnolia tree of the South welcomes the green ivy of the North as it culsters up its sides, each rebuking sectional hate and teaching brotherly love. It will be May time in 1914 when you come. The wheatfields will be waving, the red clover will be in bloom, the bluegrass will be locked in the golden light and our songbirds that spend their winters with you will have returned to make melody in our forests and will greet you as you come.

But all I have said so far is of a material nature, and I feel almost ashamed to have taken so much of my ten minutes in attempting to portray our material advantages to a great ecclesiastical body. Our people wish to hold out to you far loftier inducements than any yet offered. They wish you to come because they think you can be immense benefit to the cause of genuine old-time stalwart religion in our midst. They have not yet come to believe that religion is a progressive science. The religion of Augustine, of John Knox, of Addison Alexander, of Charles Hodge, of B. M. Palmer is good enough for them. Excuse me, I am not narrow. The religion of Wesley and Spurgeon and other stalwart men of God in other orthodox denominations is as to the great fundamentals good enough for them. We have also thousands of as genuine splendid Christians as can be found anywhere, and taken as a whole, no metropolis surpasses ours in magnificent citizenship.

But while this is true, there is no place where more isms and bogus religions are being pressed upon the attention of the people. Neither Chicago nor Boston excel us in this behalf. No city in the world has been more advertised of recent years than ours. The great prominence thus given it and its marvelous growth, as well as the wonderful development of the vast section of which it is the metropolis, makes it a new and inviting field not only for infidelity but for all the heresies which ingenuity can invent. As a logical result, the batteries of error are continually turned upon the great cardinal doctrines of the religion of Jesus Christ. The inspiration of the Scriptures is being attacked—sometimes even by men calling themselves Christians. The sovereignty of God and the divinity of His Son Jesus Christ are assailed. The Atonement—the vicarious suffering and death of the Son of God for the sins of the world—is often denied. Science is sought to be so

perverted as to destroy the Church. Commercialism, the golden calf of modern times, is bidding for votaries in the marts of trade and "liberalism"—a religion without a plan of salvation—is seeking to beguile our people from the worship of the true God. Satan is fighting for the control of our marvelous young city and for the rich territory that is pouring its treasures into its lap, and God's people are struggling to hold it. There is no place beneath the stars where the white plumes of the followers of Him "Who went forth on the white horse conquering and to conquer" and the black plumes of the "Prince of Darkness" are waving thicker or dashing together in intenser conflict.

My friends, my friends, let me tell you the sincere desire of those who have sent me. They wish to see the General Assembly of the Southern Presbyterian Church, an intrepid defender of the faith, one of the old guards of Christianity, come to our city and take a hand in the fight. We will cheer you as you come. I believe in cheers. I believe that cheers do the soldier of the cross as much good as they do the soldier on the gory field. I love to think that when a ransomed soul is borne to glory in the arms of redeeming love all Heaven rings with cheers. Come and we will cheer you as lustily as the eagles of Cæsar were cheered as they floated in triumph down the streets of the Eternal City.

But we not only wish you to come and defend the great fundamental doctrines held by all orthodox Christians of all denominations, but we wish you to come and stand for the first institution implanted by the Almighty upon this little ball on which we tread. The Holy Sabbath is in jeopardy in America. It is in jeopardy in my home city at the mouth of the Kaw. I am instructed to tell you the exact situation even though it requires a personal reference. A few years ago the humble man who speaks to you was on the bench in our city and alone and single-handed engaged in what old residents say was the bitterest and longest fight in its history. Five hundred barber shops were running wide open on Sunday. Every one of them was closed and kept closed for fourteen months, and until he left the bench. Over 300 pool halls, as a rule hell holes, destroying more boys than an equal number of saloons, were running wide open on Sunday. Every one of them was closed on the Sabbath day. More than 800 retail grocers were selling their merchandise on the Lord's day. All except about twelve insignificant concerns overlooked by the officers were closed. All of our theatres except four were closed and their managers or ticket sellers were tried and convicted,

but paid their fines and with the aid of bankers and capitalists who went on their bonds, continued to run. Other places where unnecessary business was transacted were closed. A careful estimate, reached by competent, conservative citizens, showed that over 50,000 overworked men and women whose faces human greed was grinding, and who toiled 365 days in the year, were given one day in seven as a day of rest. And they were the happiest, most grateful persons I have ever seen. No intolerance was practiced and no necessary business interdicted.

But your humble speaker left the bench. The Sabbath desecrators at once took charge again. And Kansas City is today on Sunday one of the most wide open cities on earth. Not even barber shops are closed, as they are even in St. Louis and in most of our great cities. The Sabbath, as to a large part of our population, is ceasing to be a "holy day" and is rapidly becoming a *holiday*—a day of hilarity, debauchery, immortality, and pecuniary rapacity. Mammon in many lines of so-called business, is coming to regard it as his best day for money getting. Old Bacchus, maudlin and debauched with his crown of grapes about his head, is authorized by law to mount his chariot and drive his tigers up and down our streets six days in the week. On Sunday he must retire to his legalized haunts called saloons, but often only the front doors are closed. There are back doors and cellars and attics and adjoining dens of shame, and he manages to pour more of his fiery lava of Hell down the throats of our citizens and paint our beautiful streets redder with the blood of his murdered victims on the Sabbath than on any other day. All of our theatres are now open on Sunday, and Venus, dressed in tights, is dancing young men to perdition. (Here the moderator informed the speaker that his ten minutes had expired.)

A delegate: I move that the speaker's time be extended. Another delegate: I second the motion. From the audience: "Go on!" "Go on!" The writer cannot remember whether the motion was put or not. He remembers that the moderator said, "Proceed."

The speaker, continuing: I am in the home of Henry W. Grady. I stand with bowed head above his grave. Heaven preserve and protect his name and fame. As I looked not many hours since at the monument erected to his memory on one of the streets in this beautiful God-fearing Sunday-observing city, a gentleman born and reared in the North and who stood by me, said, "They tell me that Mr. Grady stood for all that is good and

pure and lofty." And he did. He was the dauntless friend of our Christian civilization. He was a chivalric apostle of brotherly love. He advised his countrymen to brush aside the ashes of the war, and, dedicating themselves to the Stars and Stripes, set about the task of repairing their fortunes and rebuilding their desolated homes. He preached the gospel of the "New South" more eloquently than any man living or dead.

And, my friends, you of this splendid audience assembled here from Richmond to El Paso and from Louisville to New Orleans, can bear testimony to the fact that this New South has experienced a development without a parallel in history. These sky-scrappers here in Atlanta, towering above the ruins of the sixties are typical witnesses of your marvelous growth. You can also bear testimony, my friends, to the fact that the hands that have wrought this wonderful material development throughout the Southland have rested on the Sabbath day, for, thank God, it can be truthfully said of the men of the South, that neither in adversity nor prosperity have they deserted the religion of their fathers.

My friends, commercialism is beginning to dominate some of the best men of my city. Members of the church, great merchants, bankers, capitalists sit down close to the minister on Sunday and say "amen," "amen," and then go down into the marts of trade during the week and say that Kansas City cannot keep abreast of other American cities in the great march of progress and observe the Sabbath. She cannot afford, they say, to permit her laborers to lose fifty-two days in every year. Come, I pray you, next May, and tell these men that this argument is a lie. Tell them that the law of nature, as well as the law of God, requires that man shall have one day in seven as a day of rest, and that the best progress is made when these laws are obeyed. Come as witnesses and give evidence to the fact that you have experienced the most marvelous development in history, whilst throughout this vast domain the Sabbath was observed. But I must not trespass farther upon your kindness and chivalry and take more of your time.

Representatives of the great Presbyterian Church of the South, in fifty-three years you have honored the imperial State of Missouri with but two visits, the last visit being twenty-six years ago. You have never been to Kansas City. This dauntless division of God's Army has never camped closer to us than three hundred miles. Texas has made a splendid fight on the floor of

this Assembliy for one of its bustling, beautiful cities. But you have been twice in Texas since you were in Missouri. Heaven bless you men from Texas. The record shows that in no State in the Union is the law more splendidly enforced than in Texas. Your citizenship is of the very highest order. A magnificent plea has been made here for a progressive city in Virginia—"the mother of presidents," full of glorious history and achievements in both war and peace. The gentleman who made the principal speech for her said it would be inappropriate that so many commissioners, representing the thousands of Presbyterians in Virginia, should be compelled to travel all the way to Western Missouri, where members of the Southern Presbyterian Church were so few—it would be better that the few representatives from Missouri come to Virginia. If the proportion of numbers be as he says—and it is not disputed—then, for this very reason, you should come to our city, with its three hundred thousand inhabitants and with hundreds of thousands living close by. What a harvest is here presented for your labors. Remember the words of the divine Master, "Go." "Go ye into all the world and preach the Gospel to every creature."

The General Assembly of the Northern Presbyterian Church, about a thousand strong, has visited Kansas City. It is believed that they accomplished good for their great church by coming. I think I could name some congregations which the Southern Assembly has lost by not paying more attention to the great West. I make no complaint.

My friends, I thank you for listening to me. It was a great honor to have spoken to you. I honor other branches of the Church of Christ and expect to see thousands of their members on the shining shore. But it is but natural that I should love the church of my ancestors. My old father preached in this church sixty-one years, and I now have a brother who has preached to his only pastorate twenty-six years. While the Presbyterian Church, along with other orthodox denominations, stands for the great fundamentals of the Gospel, I shall never leave it. It is not a question of whether or not the church is good enough for me, but the question is as to whether or not I am good enough for it. My voice to the church shall ever be, "Entreat me not to leave thee or to return from following after thee. For whither thou goest I will go, and where thou lodgest I will lodge. Thy people shall be my people, and thy God my God. The Lord do so to me and more also if ought but death part thee and me."

ARGUMENT AGAINST THE SINGLE TAX

(From campaign speech in 1912.)

Ladies and Gentlemen:

IT SEEKS that I am now the victim of a storm of calumny and misrepresentation. I face it everywhere I go. The Single Taxers have mailed tens of thousands of bulletins throughout the State attacking me. The funds of millionaire Fels and others are being lavishly expended. Thousands of these bulletins, freighted with falsehoods, are anonymous. They are the nameless messengers of cowards. I see an attempted description of my farm—bought and paid for with hard-earned money—tacked up all over the State, accompanied with malicious and anonymous falsehoods. The Single Taxers are desperate, and I seem to be the special object of their fury. A gentleman told me just before I left home on this trip that he heard eight of them make short speeches in the open air the other night at Kansas City, and I was the object of the denunciation of them all. I am told they have over fifty speakers going over the State, all of them abusing me. But I am not losing any sleep. I am making two full speeches every day, and have about covered the whole State. These anonymous falsehoods all relate to the Single Tax fight, and of themselves show from whence they come. But I have positive proof that they have been mailed out by Single Tax leaders. I could cause arrests and secure convictions if I were willing to swear that I thought these falsehoods had injured my personal character, but I do not believe they have.

A few weeks ago these Single Taxers were very happy. Everything in the fight was going to suit them. They thought their prospects were splendid. The battle was joined. The "issues were made up," as we lawyers put it. It was agreed, they said, that it was simply a question as to whether their propaganda would advance or lower taxes, and they were showing, they said, that to collect all taxes from real estate would lessen the burden. Lawyers, they said, were debating this question with

them. Men of letters and college professors and learned theorists were writing articles on their side. Anti-Single Tax orators were delighting them by debating with them the question of "unearned increments," "land values," "land sites," "unimproved lots in cities" and the like. But deep down in their hearts they were holding their secret purpose. As they passed this farm or that one, their mouths were watering as they dreamed of the time when the State would own it and they would have exactly the same right to occupy and enjoy it as the old pioneer, who by honest toil dug it from the forest. They were indeed happy. With the booty, as they thought, almost in sight, they were as happy as Byron's pirates in his *Corsair* as they dipped their oars in the waves and sang:

"O'er the glad waters of the dark blue sea,
Our thoughts as boundless and our souls as free,
Far as the breeze can reach the billows foam,
Survey our empire and behold our home.
O, who can tell save he whose heart has tried
And danced in triumph o'er the billows wide
The exulting sense the pulses maddening play,
That thrills the wanderer o'er this trackless way
That of itself can woo the approaching fight
And turn what some deem danger to delight.
Let him who crawls enamored of decay,
Cling to his couch and sicken years away.
Ours the brief epitaph in dangers day
When those who win at last divide the prey."

Ah, my friends, there are land pirates as well as pirates on the high seas, and those magic words of Byron in the above lines, "divide the prey," are the same words that were enthusing and delighting the Single Taxers as they looked toward the future a few weeks ago.

But these Single Taxers are mad now. They are furious—furious at me, hence all this turning of their guns from others and leveling them upon me. They say I have "changed the issue on them." They say that "like a firebrand" I have gone over the State, telling audiences of excited men that the issue is not merely as to taxation or "land sites" or "land values" or "unearned increments," but that the question is as to whether or not their lands and houses are to be "confiscated," as Henry George expresses it—*stolen from them*—as I have put it. The people now

believe this. Whether or not I am the man who convinced them of it I do not know. I certainly hope I am.

I now propose to show you by overwhelming, indisputable testimony that what I have said on the stump all over this State is true, namely, that the purpose of these Single Taxers is to "confiscate" your homes and your lands; to place the titles to them in the State, and then have the State rent them out to the highest bidder.

Henry George is the prophet of the Single Taxers. They follow him as the Mohammedans follow Mohammed. His book, "Progress and Poverty," is their Bible, their Koran. Joseph Fels, the London millionaire, is now the leader of these misguided enthusiasts. I received a letter from him a few days ago written in London, and asking me to desist in my opposition to the Single Tax, and urging me to read Henry George's "Progress and Poverty." I wrote him that I had known this book for a number of years and had read it more than once.

I now hold in my hand a copy of Henry George's "Progress and Poverty." It is beautifully written—almost as beautiful in diction and metaphor as Rousseau's "Social Contract" or Thos. Paine's "Age of Reason," and more dishonest and wicked than either of them. Mr. George proposes in his book the most gigantic scheme of dishonesty ever devised by human greed. He proposes to wrest homes and lands from honest owners, place the title in the State and then have the State rent these homes and lands to the highest bidder. Listen as I read from his pen. On page 326 he says: "This then is the remedy for the unjust and unequal distribution of wealth apparent in modern civilization and for all the evils which flow from it. *We must make land common property.*" How could the intent to rob the honest owner of his home or his land and place the title in the community be more clearly expressed?

Listen to him again. On page 401 he says: "We have weighed every objection, and seen that neither on the ground of equity or expediency is there anything to deter us from making land common property by confiscating rent." What a compliment to "expediency!" What a crime against "equity!" But justice is more outraged when we consider this last declaration of Mr. George's from another viewpoint. It is here proposed to rob the mechanic of his home or the farmer of his land, and make them common property, not by force and violence—as the highwayman obtains his booty—which is less diabolical, but it is proposed

to make them common property by stealth and indirection, by "confiscating rent."

But harken to dishonesty in the superlative degree. On page 403 he says: "I do not propose either to purchase or to confiscate property in land. The first would be unjust; the second, needless. Let the individuals who now hold it still retain, if they want to, possession of what they are pleased to call *their* land; let them continue to call it *their* land; let them buy and sell and bequeath and devise it. We may safely leave them the shell if we take the kernel. It is not necessary to confiscate land. It is only necessary to confiscate rent." Was there ever put on a printed page a proposition more abhorrent to justice and humanity? Mr. George proposes here to take land from the owner without paying for it. He says specifically that to purchase it would be unjust. Our constitution, which it is believed comports with the genius of justice and civilization, provides that private property shall not be taken without just compensation. Whatever tyrants may have done unrestrained by constitutions, the assertion is here ventured that no civilization, possibly no race of barbarians, has ever enacted Mr. George's rule into law. Jezebel obtained Naboth's vineyard without compensation, but God in His divine Providence saw to it that she was thrown out of a window and the dogs ate her flesh. It will be noticed that Mr. George changes his nefarious scheme at this point, though the change is purely technical, and the same dishonest end is reached. He is charitable enough at this point, though not elsewhere, to let the title stand technically in the name of the owner, but wants all the proceeds. He will leave the honest farmer or mechanic the "shell," but he wants the "kernel." He would take all of the rent—he specifically advocates this all through his book as a part of his scheme of "confiscation"—and leave the hapless farmer, as heartless landlords usually leave the unfortunate tiller of the soil in Ireland, with scarcely enough potatoes to keep alive his half-starving children. He and his followers would bring Missouri farmers to the low level of the Surfs of Russia, or the Peons of Old Mexico.

That I am not misrepresenting Mr. George in saying that he proposes to take all of the rent, listen to what he says on page 403: "We already take some rent in taxation. We have only to make some changes in our mode of taxation to take it all."

But mark how he explains and illustrates his scheme. On page 398 he says: "There is a lot in the center of San Francisco

to which the common rights of the people of that city are yet legally recognized. This lot is not cut up into infinitesimal pieces, nor yet is it unused waste. It is covered with fine buildings, the property of private individuals, that stand there in perfect security. The only difference between this lot and those around it is that the rent of the one goes into the common school fund, the rent of the others into private pockets. *What is to prevent the land of a whole country being held by the people of the country in the same way?*"

Let me read you again from page 326: "We have reached this conclusion by an examination in which every step has been proven and secured. In the chain of reasoning no link is wanting and no link is weak. Deduction and induction have brought us to the same truth—that the unequal ownership of land necessitates the unequal distribution of wealth. And as in the nature of things unequal ownership of land is inseparable from the recognition of individual property in land, it necessarily follows that the only remedy for the unjust distribution of wealth is, *in making land common property.*"

Let me read you again from page 361, where he says: "If the land of any country belongs to the people of that country what right, in morality and justice, have the individuals called land owners to the rent?"

Again on page 363 in speaking of the present system of permitting individuals to own land, he says: "It is not merely a robbery in the past, it is a robbery in the present—a robbery that deprives of their birthright the infants that are now coming into the world! Why should we hesitate about making short work of such a system?"

Again at page 368 he says: "Historically as ethically, private property in land is robbery."

Again at page 382 he says: "Turning back, wherever there is light to guide us, we may everywhere see that in their first perception all people have recognized the common ownership in land and that private property is an usurpation, a creation of force and fraud."

At page 401 he says: "But a question of method remains. How shall we do it? We should satisfy the law of justice. We should meet all economic requirements by at one stroke abolishing all private titles, declaring all land public property, and letting it out to the highest bidders in lots to suit, under such conditions as would sacredly guard the private right to improvements." I

call attention to the words, "under such conditions as would sacredly guard the private right to improvements." Now, in the name of justice and fairness, I would like to know how private rights to improvements can be guarded when the land on which the improvements are placed is public property, and it will be noticed that Mr. George here distinctly says that he favors, "by at one stroke abolishing all private titles, declaring all land public property." If the renter of the land who owns the improvements fails to pay the taxes on the land and the State lets some other man have the land, what would become of the improvements? How could one man, for instance, rent a fifty foot lot from the State and use and enjoy it, while another man owned and used and enjoyed the building that was on the lot? The man who rented the ground from the State could not use it while the man who was in the house that sat on the ground was using the house and refusing to give it up. It thus appears how ridiculous and illogical this heresy of Mr. George is. It will also be seen here that there is but one step between Mr. George and the out-and-out socialist. The socialist would take away from the individual all property, personal and real, and place the title to it in the public. It is worthy of note as we pass that most of Mr. George's followers are now socialists. They believe in taking everything.

Indeed, at other places in his book Mr. George evinces the very highest admiration for socialism, and even for anarchy. Probably the worst anarchists the world has known were the Russian Nihilists. Listen to the language of Mr. George at page 319, where he says: "The ideal of socialism is grand and noble; and it is, I am convinced, possible of realization; but such a state of society cannot be manufactured—it must grow. Society is an organism, not a machine. It can live only by the individual life of its parts. And in the free and natural development of all the parts will be secured the harmony of the whole. All that is necessary to social regeneration is included in the motto of those Russian patriots, sometimes called 'Nihilists'—'Land and Liberty!'" Surely the illogical arguments of a man like this will not have much weight with law-abiding Americans—a man who coolly eulogizes as "patriots" these Russian Nihilists who went about with pistol and dagger and bomb perpetrating as deliberate murders and assassinations as have reddened the pages of history.

But let's consult another Single Tax authority. One of the present day leaders of the Single Tax propaganda is Mr. Lee Francis Lybarger, a Philadelphia lawyer. He also has written

a book on the Single Tax, which I have purchased. In this book he says: "For centuries the principle of private ownership in land—the principle of absolute ownership—has been the basis of all civilized nations, including our own." Here then is the printed admission of one of the great leaders of the Single Taxers that no civilized nation has ever adopted the Single Tax propaganda. As Mr. Lybarger puts it, "the principle of absolute ownership has been the basis of all civilized nations, including our own," and yet Mr. Lybarger, in his book, proposes to change all this. He advises that we overrule all the civilization in history. He deliberately proposes that private ownership of land be prohibited by law. In other words, he endorses and adopts the theory of Henry George.

A few nights ago I was one of a great audience, in Kansas City, listening to an address on the Single Tax by one of its vaunted leaders, Mr. Francis Neilson, a member of Parliament, from London, England. The Single Taxers have imported this gentleman to the United States and Canada to teach the people of this continent the doctrine of the Single Tax. The leading Single Taxers of Kansas City were all present to hear Mr. Neilson, a number of them being on the rostrum with him. At one point in his speech Mr. Neilson exclaimed, "We hold that no man has a right to own ground." This declaration was greeted with vociferous applause, which lasted for some time, the leading Single Taxers on the rostrum joining most heartily in the applause.

As further proof I desire to say that I have talked to a large number of the leaders of the Single Taxers recently. In private conversation they do not hesitate to declare that they are opposed to the private ownership of land. They say that God intended that land should be used by His creatures as freely as air or water. They say that no man has a right to own 160 acres of the ocean; he has no right to own a large section of the atmosphere, and so he has no greater right to own 160 acres of land or any piece of ground whatever.

It is useless for the recent converts to the Single Tax scheme of "confiscation" to try to get away from the teachings of their great leaders as well as the teachings of their present leaders in Missouri, when they express their honest convictions. The scheme is one of downright robbery, and the only alternative for those of its friends who are ashamed of it, is to abandon it. Take away the idea of "the confiscation of rent," as Henry George terms it; take your eye from the ultimate purpose, of placing the ownership of all lands in the public, and the Single Tax theory is gone. We

had as well go ahead with the present just system of compelling all kinds of property, personal and real, to bear its proportion of the public burden. If the only purpose is to raise revenue then stand by the present system, for the more property we tax the easier it will be to raise the enormous sums required for governmental purposes. If the purpose is to place the titles to all lands in the government as Caesar obtained title to Gaul, or as Titus obtained title for the Romans to Jerusalem, as the Pirates of Tariffa obtained their title to their booty on the high seas, then stand by Henry George and all the other writers on this subject.

Most of the Single Tax orators talk one way in private conversation and another way on the stump. In private conversation they frankly admit that according to their doctrine no individual has a right to own ground. When on the stump they talk all around the subject. Not long ago I heard four of them make speeches to a great audience of farmers. A number of the farmers told me that they did not understand what these men were trying to get at. The truth is these speakers were ashamed to tell exactly what they were after. Their plan itself is a shameless one. It proposes to take the land of the farmer by placing such an enormous burden of taxation upon it that he can not afford to hold it, and it will then go to the State. But these Single Tax orators are ashamed to say that in their speeches. They constantly talk about "unearned increments," "land values," "land sites," "unimproved town lots" and the like, while their real purpose is to carry their amendment and "confiscate" the homes and lands of the people.

Single Taxers, if you wish to appropriate the property of others, then come out into the open. Resort to force. It is more manly than intrigue. Loot the home as pirates scuttle and loot the ship. Arm yourselves from "tip to toe." Dangle your revolvers from your sides. Strap your bowie knives to your belts. Beat into insensibility the young man who resists you at the threshold. Drive out the aged father leaning upon his staff from the home he has carved from the forest. Turn the widow and her children into the storm, homeless and friendless. This would be horrible, but it would be far more manly than to scheme and intrigue and "confiscate" and finally eject the land owner and home owner under a sheriff's deed for unpaid taxes. The amendment you are trying to carry makes no exceptions whatever, and it would be better to kill the aged, the infirm, the sick, the widow and the orphan than to eject them from their homes and turn them out to starve.

I submit an argument just here which must appeal to every sensible man at all acquainted with human nature. A large number of farmers over the State have asked me the question, "What are these Single Taxers after?" "What is in it for them?" Let us look into this question a little. It will be noticed that two classes of men are supporting the Single Tax propaganda. First, millionaires whose possessions are largely in personal property. Second, men who have not succeeded very well in the world and are trying to inaugurate some new plan by which they may profit.

It is easy to see the motive of the millionaire owner of personal property. Of course if this amendment is adopted and all taxes are put on real estate he will have no taxes to pay. Men having large sums of money or owning banks or manufactures or immense stocks of goods or skyscrapers in our cities would have nothing to pay in the way of taxes. Hence it is that we have quite a large number of millionaires who favor the Single Tax. I have talked to several big bankers who now, since it appears that a large proportion of their depositors are against the Single Tax, say that they themselves will vote against the Single Tax. But a majority of these big bankers have stated that the Single Tax had some very good features about it. At the outset of the campaign a good many millionaire owners of personal property in Missouri were favorable to the Single Tax, but now that they see that it would hurt their business to openly favor it they say that they will vote against the Single Tax. Undoubtedly, if in the future the Single Tax should secure more friends, many of these men would vote for it.

But the serious inquiry is, what will these men with little business and little success in life get out of the Single Tax propaganda if the people adopt it at the polls? In their speeches they are claiming that all they desire is to place taxes on real estate, and thus prevent money lenders from making false returns and causing vacant lots in cities to be at once improved by placing a big tax on them—such a tax that the owner must improve the lot. But what good would that do these gentlemen? They would get nothing out of it. They would have nothing for all their worry and agitation and writing and speech making. We find no adequate motive for the conduct of these men here. But men are always influenced by a motive, and these men are so influenced. Beyond cavil, they have in their minds the materializing of the theory of Henry George, when the titles of all lands shall be vested in the State and the homes and lands of our people rented

out by the State. To use an expression much used in my home city at the mouth of the Kaw, this would put these men "on the ground floor." When the lands of the farmer were put up for rent they could bid just as much as he could, and, being a little reckless, probably bid more. In a word, so far as real estate is concerned, we would have a new order of things, and all men would be equally wealthy. If this could be accomplished it would be but a short time until socialism in its entirety would be adopted, and every kind of property, real and personal, would be owned in common.

THE SINGLE TAX AND THE FARMER.

With your kind indulgence, your attention is asked for a moment while we consider what effect the adoption of the Single Tax would have on the farmer. As it has happened in every illogical, wicked revolution in the world's history, the farmer would be the first man to suffer. Of course, when the scheme of Mr. George's was adopted and the whole burden was placed on land for the purpose of ultimately rendering it impossible for him to pay, he would work within an inch of his life for a while. He would be compelled to exercise the very strictest economy. But public burdens have grown to enormous proportions now. The cost of government is very great. The adoption of the Single Tax propaganda would of necessity create a horde of officials to look after the management and renting of all the lands. Taxes would become so enormous that the farmer's doom would not be far away.

I do not know exactly how it would affect the farmer in many of the counties of the State, but I have figured out carefully how it would affect the farmers of Jackson County—one of the largest agricultural counties in Missouri. I agree in my figures exactly with a leading Single Taxer who, a short time ago, published his figures in a metropolitan paper in Kansas City. He said he figured that if the Single Tax was adopted the rate on land and lots in Jackson County would be eight per cent. After a careful examination at the court house in Kansas City, I have arrived at exactly the same conclusion. If you take all taxes off the millions of dollars worth of personal property in Kansas City and Jackson County it would require a levy of eight per cent on real estate to pay the expenses of the government. Now every

farmer who is listening to me will bear me out in the statement that, taken one year with another, the farmer can not make eight per cent on his land. You will remember that the Single Taxers propose to assess all lands at their actual value. The valuations would necessarily have to be very large in order to obtain enough money to pay the enormous expenses of the government. The lands in Jackson County are now on an average worth more than \$100 an acre. This would require the farmer to pay a tax of \$8 an acre per year. He could not do it. In less than ten years the dream of Henry George would be realized and the Jackson County farmers' land would belong to the State. If you farmers in other counties in the State will figure a moment I expect that you will find that your situation, upon the adoption of the Single Tax, would be even worse. You must remember that St. Louis, Kansas City, St. Joseph and the other large cities of the State would pay no taxes then whatever upon their buildings and upon the enormous amounts of personal property owned by their citizens. The value of these buildings and this personal property runs up into hundreds of millions. When all this was exempt the expenses of the State would remain the same. In fact, they would be increased by the necessary increase in the number of officers. And the farmers on their lands would be compelled to pay nearly the whole of this tremendous expense. How any man can advocate such a monstrosity as this is beyond human comprehension.

THE SINGLE TAX AND THE DAY LABORER.

I make an appeal here to the day laborer. Everything ultimately depends upon land. If all taxes are put upon land, land values would of necessity decrease. Sales in lands would almost be at an end, and hard times would necessarily ensue. When hard times come work is scarce, and then it is that the laborer suffers. Our manufactures would at once suffer, for farmers would be slow to buy new machinery and new productions of any kind beyond the actual necessities of life. Then would come the discharge of thousands of laborers from our factories. I plead with working men to think before they take this foolish leap in the dark. I ask them to read history a little before they decide to go with Mr. George and Mr. Lybarger and overturn the economic policy of every civilized nation the world has known.

THE SINGLE TAX AND THE FARM HAND.

From nine to twenty-five years of age, when not at college, I worked on a farm. I had much to do with farm hands. I know much of the hopes and aspirations of farm hands. Most farm hands hope some day to own at least a small farm of their own. Of course, according to Mr. George's scheme, they can never own a farm. The lands will all belong to the State. I know men who started as farm hands who now own splendid farms. This could never come under the plan of the Single Taxers. No man, if this were adopted, could own a farm at all. But there is another consideration which should press itself upon the farm hand. As soon as the men who now have farms are compelled to pay all of the taxes from their lands they will begin to economize. About the first act of economizing would be to dispense with the labor of the farm hands. The farmer would as far as possible do all of his own work, of course pressing into service the members of his family. I sincerely believe we would see what I frequently saw in Europe, where wives and little children and old men and old women were at work in the fields. I now pay my farm hands the year round \$25 a month and board them, which is somewhat above the usual price paid in my neighborhood, but I could not do this if I were compelled to pay \$8 an acre in taxes on my land. And no other man who owns a farm in the State could afford to do it.

THE SINGLE TAX AND THE RENTER.

As I go over the State farmers are saying to me, "Say something to the renter." The Single Taxers are trying to get him. When I made a speech at Pleasant Hill a few days ago a gentleman told me that he sat by a renter; when I stated that the Single Taxers proposed to place all the taxes on lands, the renter said: "Well, I am for that. I will let the owner of the land pay all the taxes." But when the matter was explained to this renter he changed his mind. I do not know what ground rents for in the county where I am speaking, but in my county lands as far away from Kansas City as twenty miles—and the lands in this county, where we are now assembled, are farther away—rent on an average of about \$4 per acre. Now how can the renter expect the land owner to rent him land for \$4 an acre after the Single Tax

is adopted and he is compelled to pay \$8 an acre in taxes? The logic is irresistible, and any man of common sense must at once see it. If the Single Tax is adopted the renter would be compelled to pay at least double the rent for land that he pays now.

THE SINGLE TAX AND THE IMPROVEMENT OF LAND.

While waiting for a train at Nevada a few days ago I again read the argument of Henry George's as to the improvement of land under his system. To my astonishment, he contended in a long discussion that lands would be better improved and kept in a better state of improvement when rented out than when owned by individuals. This argument is so contrary to all human experience that it is astonishing that any sensible man would ever make it. Every person of observation knows that rented farms are not kept up like farms on which the owners live. It is not meant that the renter would be dishonest in the matter, but there is little incentive for him to improve a farm which he is merely renting. If the Single Tax were adopted, beyond cavil renters would go from farm to farm, and, all farms being then rented out, the day would soon come when all of them would be in a dilapidated condition. We hear much now of changing crops and conserving the qualities of the soil. How little inducement there would be for renters when they did not know how long they would be permitted to stay to arrange for changing crops and conserving the richness of the soil or building it up.

I may notice in passing another consideration. When the State owned the lands and rented them out, politics would of necessity have much to do with the matter. When this party was in power its friends would have the first show at renting the lands, and when it was hurled from power, the friends of the other party would then be the favored ones.

But it is useless for me to particularize farther. It is impossible to subject the theory of Mr. George and his followers to a close analysis without seeing that on every hand disaster would ensue. It is impossible but that a system so illogical and dishonest should lead to ruin. The Single Tax propaganda is a branch of socialism in its worst form. Some of the schools of socialism are not dishonest, but not the one to which the Single Tax belongs. Socialism as it is now understood in America means the upturning of our economic institutions and a long step towards barbarism.

The Single Tax, taken in and of itself, is popular with some classes of men, and therefore all the more dangerous. It appeals to covetousness in its lowest form. It is dishonesty personified. It engenders laziness and discourages industry. It produces class hatred by arraying the man who has nothing against the man who has something. It is the enemy of the farmer and the business man, and the friend of the idler and the tramp. It is the enemy of the laboring man. It puts the toiler on a par with the drone. It breeds sluggards by telling men they can live in idleness and yet have the same right to the use of improved farms as the pioneers who have digged them from the prairies or the forest. It appeals to thousands of millionaires whose vast wealth is in personal property, by exempting personal property from taxation. It is larceny in that it teaches that one man may take and use the land of another without his consent and without compensation. It is a species of thievery never permitted by any civilization in the history of the world. It destroys the family—God's first institution—for it denies to husband and wife the right to possess a permanent place in which to rear their offspring, a right for which the fowls of the air and the wild beasts of the field will give up their lives. It destroys the Christian home, the nearest place on earth to Heaven.

Note: The apostrophe to the home with which this speech closes is found in the front part of this book.

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THE SISTINE MADONNA.

LECTURE.

JESUS OF NAZARETH AS A MAN

SOME OPINIONS OF THE LECTURE.

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"His eloquence, logic and legal manner of putting the great facts and teachings of the 'Nazarene' were un-

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"During this generation I have heard many of the famous and able lawyers and orators of our land, but I have heard none I consider Mr. WALLACE's equal as an advocate before a jury. Therefore, when I say that this address is worthy of Mr. WALLACE, I speak the very highest praise for it."

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"It is the best exposition I have ever heard, of the life of 'The Man of Sorrows.'"

DR. S. P. CRESAP (Pastor M. E. Church, Columbia, Mo.):

"The great audience followed with intense interest the advancing steps of his logic and rose successively upon the sublime heights of his eloquence."

DR. W. F. RICHARDSON (Pastor First Christian Church, Kansas City, Mo.):

"The breathless interest with which the great audience listened to it, from the first word to the last, is the best testimony to its power. I wish it could be heard in every community in our country."

DR. JOHN ANDERSON (Pastor M. E. Church, South, Mexico, Mo.):

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"MR. WALLACE is a lawyer of large experience and of great ability, and an orator of high rank. His eulogy on Jesus as a teacher, as a hero, as a citizen, and as a philanthropist,

brought rounds of applause from the great audience, which listened to it for more than an hour with wrapt attention."

SPRINGFIELD DAILY DEMOCRAT (Editorial):

"It was a marvel of excellence. With an experience as a lawyer of nearly a quarter of a century, during which time he has reached the very foremost rank in his profession, MR. WALLACE treated his subject from the standpoint of a jurist. His arguments and conclusions were irresistible, and it was conceded by those who heard him as the most powerful as well as

marvelously constructed address ever heard from the platform in Springfield."

THE WORD AND WAY (Baptist):

"His logic was cumulative and gathered force to the end, when it burst into the most invincible and overwhelming argument for the divinity of Jesus, deduced from the mere fact of what he was as a man. At least one skeptic in the audience professed conviction after hearing that address. MR. WALLACE could do the world a great service by delivering that address every day for the balance of his life and publishing it for future generations to read."

THE LECTURE.

Ladies and Gentlemen:

FOR A number of years past, it has been much the custom for the platform speaker to select some illustrious man in history and portray him as his particular hero. Washington, Jefferson, Webster, Lincoln, Stonewall Jackson, Milton, Shakespeare, Gladstone, Paul, Moses and some others have been special favorites. With your kind indulgence, I am now to attempt to lay my humble tribute at the feet of that great Personage in history, whom, considered merely as a man, I admire above all others, my theme being as announced, "*Jesus of Nazareth as a Man.*"

Taught from early childhood, a rugged theology, to which after the examination and reflection of maturer years, my soul still clings with unstinted faith, and two of the great cardinal doctrines of which are the sovereignty of God and the divinity of Christ, of course I sincerely believe that Jesus was the Son of God, but I purpose now to differentiate and to speak only of the human side of this matchless character. In doing this I promise to keep absolutely within my sphere and summoning to my aid as best I can an experience of more than twenty years in arguing cases upon testimony before courts and juries, to make an argument and not attempt to pronounce an eulogy save that which comes of necessity from a bare recital of the evidence.

My contention, as we lawyers denominate a position taken,

is this: That leaving out of view, for the sake of argument, the fact that Jesus was the Son of God; leaving out of view the fact that He was possessed of miraculous power, as attested by His healing the sick, the lame, the blind, the palsied, the leprous and by His bringing the dead back to life again; leaving out of view the fact that He was sent to our globe as a God to satisfy the promptings of supernal love and the demands of divine justice by suffering in our stead; leaving out of view, for the purposes of the argument, the whole of His divine character, my contention still is, that Jesus was not only the most marvelously gifted person, but that He was beyond all comparison, the most lovable, wonderful and beneficial being the world has ever known.

I promise, too, that as I proceed I shall not deal in fancy, theory or conjecture, but confining myself to the record, as that term is understood in strictest legal phraseology, I shall base my argument solely upon the evidence as to the human side of the life of Jesus, as given by the witnesses Matthew, Mark, Luke and John, taken in connection with the indisputable testimony of subsequent history, as "living though dead," his mighty Presence has come down the highway of centuries, moulding, directing and controlling the civilization of the world. As truth is always made more apparent by avoiding glittering generalities and subjecting its integral parts to a close analysis, I shall choose now to violate that modern, and, to my mind, illogical rule which requires that no discourse shall be made to conform to separate and distinct headings, and following the plan of the old masters, make my argument in four divisions, considering the human side of the life of Christ in its four most prominent and practical parts, namely, *Jesus as a Teacher, Jesus as an Orator, Jesus as a Citizen and Jesus as a Philanthropist.*

JESUS OF NAZARETH AS A TEACHER.

Considered in a broad sense as the work of acquiring and then imparting to others those truths most conducive to their good, whether in learning, government, or theology, the office of teacher is the loftiest known to men. However alluring and glorious the soldier may appear to the brutal and the ignorant, the fact that to the humane and the intelligent the greatest names in history are those of teachers, is sufficient proof of the declaration just made. The teacher teaches by two methods, example and precept. In the moral world which, after all, is the controlling one, the power of the teacher to impart instruction by example is measured in

almost direct proportion to his ability to *live* what he teaches. In this respect Jesus is without a peer in any age or clime. His bitterest enemies have never yet been able to find a flaw in His life, and it is a most remarkable fact that His claim to sinlessness is the only one conceded by the unanimous verdict of the civilized world. The tremendous influence upon mankind from the bare example of this one sinless life can never be estimated. By that law of our being which compels us to admire the good and to be impressed by it, though oftentimes not sufficiently to choose it, men have ever been forced to admire Jesus and even unwillingly to be powerfully impressed by the purity and grandeur of His character.

As the lawyer is always wont to do, I desire just here to quote the testimony of some celebrated witnesses, most of those I name denying Him divinity and regarding Him as merely a man. John Stuart Mill, the ripest scholar infidelity has produced, spoke of Him as "a man charged with a special, express and unique commission from God, to lead mankind to truth and virtue." Napoleon Bonaparte, generally considered the world's greatest military genius, and one of its profoundest intellects, after his cannon had ceased to reverberate in his ears and he sat in meditation midst the solitude of St. Hélène, said of Him, "As between Christ and whomsoever else on Earth, there is no possible term of comparison." When an admiring friend of Kant placed the name of Jesus too close to that of this almost peerless thinker and philosopher, Kant was over-awed by the position in which he was placed, and with sublime humility he replied, "The first name is holy, the other is that of a poor bungler, doing his best to interpret it." Renan, the most brilliant and distinguished sceptic of modern times, pays this remarkable tribute, "The Christ of the Gospels is the most beautiful incarnation of God in the most beautiful forms. His beauty is eternal. His reign will never end." Rousseau, whose hatred for the church found him welcome asylum in the home of Hume, bursts forth into this eloquent and impassioned panegyric, "If the life and death of Socrates are those of a sage, the life and death of Jesus are those of a God." My friends, held up as He has been throughout the ages to the constant gaze of men, by some omnipotent power, it matters not for the purposes of this argument from whence, Eternity alone will reveal the stupenduous influence upon the human race from the bare example of the spotless personality of Earth's greatest teacher, Jesus Christ.

Of course, it would be impossible in a short address to attempt to set forth at length, the precepts, or teachings proper of Jesus. Such an attempt at any time would be an endeavor to explore immensity itself. With your kind permission, therefore, I must content myself by simply naming a few of the great doctrines promulgated Him as types of His teaching.

The first named is what may be properly denominated *the originality of reason and justice*, as contradistinguished from that ofttimes miserable thing called *precedent*. Such is the timidity of the human intellect and its usual desire to avoid criticism or responsibility that men are strongly inclined, when the final test comes, to solve difficult problems, not by reason and justice, but by precedent. It so happened that when Jesus came precedent was at its zenith. Not only the Romans, but especially the Jews, were accustomed to decide all important questions, not by reason and justice, not upon their merits, but by what their predecessors or those high in authority, had said or done. Never was fallacy struck with such an iron hand as that with which Jesus felled this one to the ground. He was continually saying, "It hath been said," or "Ye have heard that it hath been said by them of olden times," "*But I say unto you.*" It is true, His precepts carry with them the impress of authority, and if we are His followers it is right and proper that we should so regard them as a matter of reverence and obedience. But there is no occasion whatever for placing the teachings of Jesus upon the ground of precedent as a matter of necessity. They have ever stood and will forever stand the strictest test of reason and justice.

And what a stupendous, sweeping and lasting revolution Jesus wrought by His originality when He came! If my Infidel friend—God bless him, he is my brother and I instance his situation simply to illustrate the great fact to which I am now calling attention—if my Infidel friend desires to be rid of Jesus as a Savior, the task is an easy one. He has simply to reject Him—to say No. But struggle as he will, he can never extricate himself from the grasp of the tremendous forces the Gallilean has set in motion and His increasing and unending power and dominion in all the affairs of civilized men. If my infidel friend loves law and light and liberty, then he must dwell in a Christian land and be the constant recipient of a Christian civilization. By the evidence, by the indisputable record in the case we are now arguing, there is no other spot on the round globe to which he may go and find these blessings. When at last he comes to die, if he desires to be remem-

bered after death—and I find skeptics as anxious to be remembered when they are gone as Christian are—then his very tombstone must be a witness to the reign of “the meek and lowly Nazarene,” for it must of necessity read, “This man died on a certain day of a certain month, of a certain year,” measured with reference to the coming of Jesus Christ. The statement should be emphasized just here, too, that our mode of measuring time is but an infinitesimal portion of the evidence as to the stupendous change wrought by this humble peasant, when He came. It may be truly said that He closed the history of the past and opened the history of the future. He shut the old book of precedent and opened the new book of reason and justice. Whatever Thomas Paine may have claimed, or any other men hereafter claim, Jesus of Nazareth was the true author of the age of reason.

It is pertinent to add here as a corollary to the truth just stated that, even when we strip Jesus of His divinity, as is being done now for the purposes of the argument, He still stands forth as the incomprehensible wonder of all the ages. For a poor and obscure mechanic to revolutionize the philosophy of forty centuries and create a new world of thought, and by the evidence he has done it; for such an one in three short years to establish upon a planet a religion and a civilization which thenceforth were to control its destinies, and by the undeniable testimony of history He has done it; for such an one to create a new and different life in the souls of men and to uplift and illumine them in their struggles for knowledge, purity and liberty, and by the record He is doing it the world round today—this, this is indeed a work as wonderful and even more incomprehensible than that accomplished when the words rang out in the darkness, “Let there be light, and there was light.” The latter is the work of creation by a God. The former, according to our present hypothesis, is the work of creation by a man.

Another great doctrine taught by Jesus, and one which at this time, the American patriot cannot lay too closely to his heart, for the home, the nursery of our civilization and our liberties, depends upon it, is *the sacredness of marriage*. Jesus taught that when the marriage knot is tied, it is tied by the same fingers that carved the decalogue into the two tables of stone on burning Sinai, “What therefore God hath joined together, let not man put asunder.” He went farther, too, and laid down the inexorable rule that marriage can only be dissolved upon one ground. And reason and philosophize and legislate as we will, if you will but come

with me at some time on what is known as "divorce day" in one of our courts in a great center of population, and hear the sobs and see the tears and listen to the wails of half orphaned children, and behold the wreck and ruin and disgrace of desolated homes and desolated hearts, you will come away agreeing with me that Jesus was right.

Another doctrine promulgated by Jesus, *is the sweet doctrine of love*. We are much regaled in our times by what we are told is "a new gospel, the gospel of love." That man is a fool who as he looks out upon this vast universe cannot see that it is a universe of law, and that Justice intends to occupy his throne just as long as sweet Love sits upon hers. With this limitation there should be no quarrel with these modern teachers. Every true heart should leap in ecstasy at their rhapsodies upon the subject of love. But it would seem that they ought to be fair and just and honest; that they ought to give due credit to the first great original promulgator of the doctrine of love and who not only taught it with unparalleled beauty, and sublimity, but who pushed it to a limit to which none of these modern teachers dare to push it, not even excepting that great agnostic, whose ashes are scarcely yet cold in their urn and who so delighted and horrified audiences by his alternate panegyrics upon the subject of love, and his coarse and vulgar blasphemies against the Most High.

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Another doctrine promulgated by Jesus is that of *honesty*. My friends, we should not be pessimists. We should be conservatives and accept facts just as we find them. Beyond cavil, this old world of ours has steadily grown better since that happy day, when Jesus first placed His hallowed feet on its erring soil. It is still under the dominion of evil, however, and the old rule is

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At such an hour, what a positive delight it is to turn to Him who never feared the face of man, and who taught honesty as it was never taught before or since. The golden rule, the most magnificent guide to human conduct ever conceived, "Do unto others as you would have others do unto you," is simply honesty, stated as only Jesus knew how to state it. But He not only promulgated honesty generally, He also taught it specifically. When the young man came to Him desiring to know what he should do to inherit eternal life, among other things he quoted certain of the Ten Commandments, including that one which says, "Thou shalt not steal." His whole life was the very personification of honesty. A most beautiful feature of His doctrine lies in the fact that it pays but little regard to the overt act. It goes to the motive, to the heart. By His teaching, a dishonest act so cunningly devised or so fortified by powerful influences that the law cannot reach it, is as much a crime as petit or grand larceny or embezzlement or obtaining money by false pretenses or bribery or burglary or robbery. It is not going too far in stating the rule of honesty as taught by Jesus Christ, to say that he who buys goods on credit, intending at the time never to discharge the debt, or who receives the toil of any laborer with intent to defraud him of his hire, or who resorts to lying and deceit in the purchase or sale of any kind of property, or who "grinds the

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face of the poor" by any system of extortion however popular or however legalized, or who gives or takes a bribe, is as much a thief as the man who in the night time picks my stable lock and steals my horse. If any timorous hearer is now saying that a lawyer is stating the rule of honesty as promulgated by Jesus too harshly, let him recall the burning words of the intrepid Gallilean as He lashed the dishonest money changers from the temple, exclaiming as He did so, "It is written, My house should be called a house of prayer, but ye have made it a den of thieves."

It should be stated here, for while He intended it to have general application, He promulgated it in immediate connection with honesty, that Jesus taught the great doctrine of *rewards and punishments*. In these curious times in which our lives are cast, the latter part of this doctrine is becoming somewhat unpopular, and I realize that I may tread upon tender ground. We are now told that God is too good and too merciful to chasten His own offspring, and that no matter what we do, beyond question we shall bask forever unhindered and unpunished in the limitless dominions of His love. We are told that while, for the maintenance of human government, it is necessary to punish those who violate our criminal code, the great moral code of Jehovah may be broken with impunity and the law keeper and the law breaker stand upon precisely the same footing in the presence of a just and holy God. But let men reason and philosophize as they will, let them "prophesy smooth things to the people" as they will, just as surely as He trod this Earth on which we dwell did Jesus promulgate the great doctrine of rewards and punishments. And, as in all His other teachings, He taught it far more powerfully and far more specifically than ever yet it has been found in the creed of any church. Jesus placed poor Lazarus, whose sores were licked by the dogs, in the bosom of Abraham in the realms of bliss, and Jesus put Dives midst the flames of torment pleading for a drop of water to cool his parched tongue.

But it is now said that love should be our only motive; that he who acts from fear is a coward and degrades his manhood. I may tread again upon forbidden ground, and I shall speak only for myself. I believe that I exalt the love of God as highly as any man alive, and that I have as much regard for my manhood as the average of my fellows, and yet I frankly confess that should the temptation to appropriate to myself that which did not belong to me, be so strong that neither the love of God nor my regard for my manhood would be sufficient to restrain me,

then blessed be His just and holy name, I would have one great safeguard still left—I would be *afraid* to steal. Afraid not of human law, ah no, for more than twenty years' experience at the Bar has taught me that this is a lash platted mainly for the backs of the poor, the unfortunate, the friendless, but afraid of that Tribunal which no influence can reach and no money can buy. Afraid, not that I would be ostracised from what is known as our best society; or the "higher culture," ah no, no, but afraid—most appalling thought that ever horrified the brain of man—that I might forever be excluded from the presence of my God and ostracised from the society of the pure and holy who surround His throne. Afraid—if you will permit me just for one moment to regard Jesus as something more than a man—afraid of the awful object lesson taught on Calvary, that thievery, even when in speaking distance of Divine Mercy, had but an equal chance for weal or woe, for while one thief with a prayer upon his lips looked into the sweet face of Divine Love, and heard the rapturous words, "This day thou shalt be with me in Paradise," the other thief midst his railings, gazed into the silent countenance of Divine Justice and was forever damned.

So much for that division of my subject, Jesus of Nazareth as a teacher. It may be stated in passing as our minds are now fixed upon a higher ideal than that which comes from gorgeous but atrocious war, that a valuable lesson may be learned just here from the life of Christ. Men are continually running a comparison between the soldier and the teacher—between the man of blood and the friend of truth. It must be confessed, too, especially here in America where he who uniforms himself and dreams of battlefields is idolized upon slighter provocation than in any other land beneath the skies, that the soldier gets far the best of the comparison. But here again, I go with the minority; I never yet have bowed at the shrine of Mars, and I never intend to. When for a moment here tonight, I take my eyes from the Prince of Peace and fix them upon the professional soldier, just where he is most delighted to have us see him; when I behold him armed and epauleted and spurred and seated upon his foaming steed, splashed to the waist with human gore; when I remember that his music is dying groans and orphan's wails, and his drink is the hot tears of widows and mothers, I look up and thank Heaven that Earth's greatest Hero chose to disappoint the expectations of the World, which, as an historic fact, was just then looking for His coming; that He refused to set up a temporal kingdom; that,

with all His matchless, marvelous genius and genuine overpowering ability, He spurned to take the sword and become a soldier.

JESUS OF NAZARETH AS AN ORATOR.

True oratory stands three tests; conception, execution and effect. This is my own analysis, but I have listened so long and so intently to my adversaries at the Bar, and felt so often from them the power of genuine oratory, that I am sure it is correct.

In *conception* or *thought*, as we denominate it in grading young men for oratory, Jesus is without a peer in any age or clime. No fair man can read the Sermon on the Mount and refuse to admit that it contains more of sublime thought than any ten orations in all history. His parables are not only inimitable, but, in their deep inculcation of great truths, they have never even been approached. All the rhapsodies yet indulged in, upon those two tremendous conceptions, thought by some to be the most tremendous that have ever entered human brain, the brotherhood of man and the fatherhood of God, pale into insignificance when compared with the sublime teaching of Him who first promulgated these stupendous conceptions in the inimitable parables of the good Samaritan and the Prodigal Son.

In *execution* in oratory, which consists of language, metaphor and delivery, Jesus is again without a competitor. His language is not only superlatively chaste, but it is as simple as that of a little child. His metaphors, although taken from the ordinary objects of every day life, are the most beautiful in all literature. "Consider the lilies of the field, how they grow; they toil not, neither do they spin; yet I say unto you, that Solomon in all his glory was not arrayed like one of these." Or if you love sublime pathos mingled with simplest yet most expressive metaphor, then listen to Him as He stands lamenting over the capital of His native land just before its awful destruction by Titus. "O, Jerusalem, Jerusalem, thou that killst the prophets, and stonest them which are sent unto thee, how often would I have gathered thy children together, even as a hen doth gather her chickens under her wings, and ye would not! Behold, your house is left unto you desolate." We generally regard Jesus as a person so amiable and lovable in His disposition that we forget that when occasion required it, He was the great master of denunciation. The most terrific denunciation in all recorded language fell from His lips and was hurled into the very teeth of those for whom

it was intended. "Woe unto you, scribes and pharisees, hypocrites! for ye are like unto whitened sepulchers, which indeed appear beautiful outward, but are within full of dead men's bones, and of all uncleanness."

We have no description of the delivery of Jesus, but doubtless it was superb. I cannot contemplate H̄im as resorting to the ordinary arts of the ordinary orator. I simply remember Him with vast multitudes hanging upon His magic touch, listening to "the gracious words which proceeded out of His mouth."

In the *effect* of true oratory, which is two-fold, immediate and lasting, Jesus is again without a rival. As to the immediate effect of His oratory, a single comparison will suffice. When Cicero, to my mind the most resplendent orator of all antiquity, was finally placed upon the death list of Mark Antony, and the soldiers came for him, his magnificent oratory, the result of years of training and experience, availed him nothing. When the name of Jesus was finally placed upon the death roll of the Sanhedrim and the officers came for Him, they found Him, but they returned without Him, giving to those who sent them as their only excuse for not bringing Him, these six words, "Never man spake like this man." Thank Heaven, Mars in his palmiest day succumbed to the power of genuine eloquence.

As to the lasting effect of the oratory of Jesus suffice it to say that all the great orators of ancient times, many of whom were almost His contemporaries, have passed away. They have niches in the temple of fame, but unless there be present now some professor or some student fresh from college, I doubt if there is a person in the audience who can repeat verbatim a single sentence of any considerable length ever uttered by any one of them. If all the Bibles in existence could be piled in one vast heap and burned; if all the books in existence containing any sort of reference to the Bible could be destroyed, the oratory of Jesus could be at once reproduced, word for word, from the memories of mankind. And so it will ever be. As in ancient Greece, prior to the discovery of letters, the songs of Homer were memorized, and by the rivers and on the lakes with the lyre as an accompaniment to the human voice, handed down from father to son and mother to daughter, so adown the great stream of time, even after it shall run clear as crystal, reflecting glittering star and silvery moon, the poetic oratory of Jesus, for such indeed it was, will abide in the memories of mankind; and on the limpid laughing waters, even out into Eternity's ocean, be sung by the human heart forever.

JESUS OF NAZARETH AS A CITIZEN.

Deeply imbedded in the consciousness of every human being is an imperishable intuition telling him that he has been born into life, endowed with every right possessed at birth by any other human being beneath the skies. No caste, no class distinction, can be invented by the brain of man, which is not violative of the eternal principles of natural justice. All men are created, not only free, but equal. In applying this great principle, however, care should be taken to bear constantly in mind the distinction between natural rights and delegated rights, the one springing from birth, the other coming from government. As government is simply a compact entered into between men for mutual benefit and protection, it logically follows that the exercise of a political or governmental franchise is not a natural but a delegated right. It follows, too, inevitably, *ex necessitate*, as we lawyers say, that that miserable thing in some governments called heredity has no standing whatever in the broad domain of natural justice, for it is impossible that a person can be born possessed of a right which is merely the subject of after agreement. It follows, too, inevitably, to be specific, that every hereditary monarch who has occupied a throne was a usurper, and every drop of noble blood, so called, that has coursed its illegal, accursed way through mortal veins, was an assault upon human liberty. There is but one nobleman, and he is the commoner, the man who freely accords to each and every one of his fellows every right and prerogative which he claims for himself.

Jesus of Nazareth was the World's typical commoner. Nothing so beautifully comports with the simplicity of liberty and the equality of mankind as the life and character of "the meek and lowly Nazarene." Born in a stable, He was buried in the tomb of a friend and the very shroud which hid the wounds through which had poured His innocent blood, was the gift of charity. Diogenes claimed the tub in which he dwelt as his home. Jesus said of Himself, "The foxes have holes, and the birds of the air have nests, but the son of man hath not where to lay His head." Men so instinctively love riches, that, while it should not be so, those who have them and those who have them not, are strongly tempted to be estranged. In order that He might reach all mankind the better, Jesus towered above us all in that, with sublime self-abnegation, He sincerely preferred to be poor.

But far more powerfully in His associations and in His teachings, to which I advert again just for a moment, did He display the matchless commoner that He was. He freely associated with all classes of mankind, and was at ease in any presence. Humble, yet self-poised, He stood surrounded by the doctors in the temple, or sat in the midst of the Sanhedrim, at that time the most learned body on the globe, and was easily far more than the peer of them all. Yet He associated with and sat at meat with publicans and sinners, and was willing to be called their friend. No place was too high for Him or too low for Him. He lent as much luster to the palace of Pilate as he did to the hut of the peasant. He cared not what eye saw Him talking to the wicked woman at the well. In broad daylight, with matchless skill and in utter defiance of public opinion, and even of Jewish law, He liberated the poor, unfortunate friendless female, caught in the most disgraceful offense known to womanhood, from the clutches of the cruel gang of hypocrites who were tormenting her.

In His teachings it is safe to say that no being since time began ever displayed such indifference, yea, such absolute contempt, for caste and class distinctions and all the pomp and glitter and ceremony with which men are wont to surround noble birth or high official position, as did Jesus Christ. In His doctrine, He reached and grasped the king and placed him upon a level with his subject. He took hold of the prince and put him beside the peasant, and taught the sublime truth that, in the presence of Almighty God, all men stand upon precisely the same footing. My friends, *Jesus of Nazareth was the greatest leveler the world has ever known.* As, with increasing strength, He has come down the long and dusty road of time, He has wrested more power from the grasp of kings, inspired more written constitutions, dried up more noble blood, snatched more gugaws from the pate of snobbery, and placed more laurels upon the brow of merit than all the other heroes of Earth combined.

The globe around, and especially here in imperial America, we are accustomed to admire *bravery* in the citizen. By a disposition within us, which we may not fully understand, we have all felt a sense of proud delight as we read that most beautiful tribute to courage in all heroic song as couched in those thrilling lines of Byron in his *Manfred*:

There's something of pride in the perilous hour,
Whate'er be the shape in which Death may lower;
For Fame is there to tell who bleeds,
And Honor's eye on daring deeds.

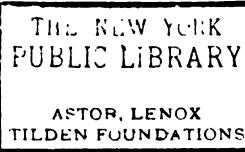
The mind of the poet was here upon the gory field where, inspired by the flutter of flags and the strains of martial music, the soldier plunges into the fray where swords are clashing or shot and shell are crashing. But there is a far higher exhibition of courage than this. A gallant cavalry general, who in our great Civil War won as many laurels for his dash and daring as any man on either side, once said to me, that it was no uncommon thing to see men, who, in the excitement of the charge and urged on by the rattle of the drums, the cheers of comrades and bugle blasts, would plunge into direst danger. "But," said he, "there is sometimes seen a higher kind of courage than this." "When," said he, "a man can stand by the hour or the day or the week, calmly facing a set of killers who are threatening to take his life, and never at any moment show the least disposition either to harm them or to run from them, He," said this old soldier, "displays a far loftier type of bravery than ever yet was seen on gory field."

Judged by this standard and, beyond question, it is the true one, then ransack the annals of time, and Jesus is braver than they all, and He displayed His matchless courage during the most fearful ordeal to which any being was ever subjected. Sought constantly to be entrapped by the cunning and learning of His time and a basis laid for His death; set upon by infuriated mobs; the central figure in vast tumults; hounded hither and thither by the spies and detectives of the Sanhedrim; betrayed by one of His own followers in Gethsemane; standing at last in calm, pathetic dignity at His great trial, with every friend gone, and that horror of horrors fully understood only by the laweyr being perpetrated—His life being sworn away by deliberate perjury; scourged with the awful scourge of Rome; condemned to death; an old scarlet robe brought forth and put upon Him; a reed placed in His hand for a sceptre; a crown of thorns pressed down into His bleeding temples; mocked, jeered, buffeted, spit upon; led away to His execution by a crowd of learned, long-faced hypocrites, and deliberately permitted to become the victim of the brutality and ferocity of a gang of miscreants and cutthroats, many of whom were doubtless following in the wake of the Roman Eagles and who had learned the art of cruelty in the world's severest school; forced to bear the huge instrument of torture to which He was to be fastened while relentless Death slew Him by slow degrees; lashed on till He fell beneath the load; bleeding until there was rapidly coming upon Him that insatiate thirst which comes to the wounded soldier on the battlefield; nailed at last, half dying, to



CHRIST BEFORE PILATE.

—After the celebrated painting by Munkacsy.



the cross—during some of these terrific scenes there were times when His great soul seemed almost overcome by sorrow or by pity—but midst it all, at no moment, however awful or appalling, has the severest and most prejudiced critic ever yet been able to discover the faintest gleam of fear in the intrepid breast of Jesus Christ.

But the chief advantage which Jesus has been to the State as a citizen, comes from the imperishable love for liberty which He has ever implanted in the hearts of His followers. Show me a genuine disciple of Jesus Christ, and I will show you a man who will die before he will give up his freedom. What the old guard was to Napoleon, and ten fold more, “the soldiers of the cross” have ever been to liberty. As the servant of Elisha, when his eyes were opened, saw chariots and horses on the mountain tops, so Christians, with the eye of faith, have ever looked up and beheld Him “who went forth upon the white horse, conquering and to conquer,” marching through the skies and beckoning them on from struggle to struggle and victory to victory. In liberty’s darkest hours, their war cry has ever been, “resistance to tyrants is obedience to God,” and they have willingly crimsoned old Earth with their blood and whitened the long meandering pathway of the centuries with their bones. As to that great tribal family to which we belong, it is sufficient to say that if there has ever been a gory field on which the conquering plumes of the Anglo-Saxon race were waving in the cause of freedom, where the soldiers of the cross fought not in the van, pouring out their blood and giving up their lives, then the eagle eye of history has not found it.

We in America, Christian or infidel, will never sufficiently pay our debt of gratitude to the Apocalyptic rider on the white horse. Those who quit the tyrannies of the old World, and in their frail barks braved the winds and waves of the blue Atlantic, did so, that here upon our shores they might follow His plume according to the dictates of their own consciences. As the Jews, after their return from captivity, built again the walls of Jerusalem with the sword in one hand and the trowel in the other, so our forefathers, the rugged followers of Jesus Christ, blazed the path of civilization through our primeval forests, with the rifle in one hand and the axe in the other, and here they laid deep and strong the foundations of this glorious Republic, whose liberties we today enjoy. Every man who leaped from the Mayflower to Plymouth Rock was a disciple of the peerless Gallilean. Bancroft, our

greatest historian, tells us that the first hand raised in America against the tyranny of Great Britain, was not by a convention of politicians or even of statesmen, for neither had yet summoned the necessary courage, but was raised by a little band of Christians, the fearless followers of the fearless Nazarene, assembled down in North Carolina. It is a remarkable fact, too, not generally known, that those immortal words, "all men are created *equal*," were first penned by this little band of Christian patriots, and afterwards copied verbatim by Thomas Jefferson and made by him the very core of the Declaration of Independence. In the long and terrific struggle which followed, nineteen twentieths, and more, of the soldiers who shivered half clad around the camp fires of the Revolution, and the blood of whose bare feet reddened the snows of the Atlantic slope, were believers in Jesus Christ. It is an historic fact, that, in the darkest hours, in scores of instances, ministers of the Gospel went to the front of battle at the head of all the male members of their congregations, performing the double duty of chaplain and captain, and praying as they fought.

It is now becoming more and more popular in some quarters to prate much about "the want of culture," "the narrowness," "the intolerance," "the religious fanaticism" of the heroes of the Carolinas, of Virginia, of New York, Pennsylvania and New England, who stood on guard during the long black night which gave birth to our Republic, and whose rough, faithful hands rocked its cradle. But let others do as they will on lecture platform, in great magazines, or in leading editorials in metropolitan dailies, in defaming these old patriots, as for me, when I strike the word gratitude from my vocabulary, when I hate my country, when I despise liberty, when I curse the sweet memory of the mother who brought me into being, then, and not till then, will I defame and malign the Puritan fathers through whose blood and suffering has come our freedom, and who were the intrepid followers of Jesus Christ.

There has been some discussion in recent years as to who founded America. Some claim it was George Washington. All glory to him, but it was not he. Others say it was Thomas Jefferson. I stand with warm heart and uncovered head above his grave, but it was not he. Let us place honor where honor is due. Jesus of Nazareth founded this glorious Republic; and if I were an infidel, and, if I were also an American patriot, I would kiss the hem of Jesus' garment, whenever His name was mentioned.

JESUS OF NAZARETH AS A PHILANTHROPIST.

We live in the age of big things, when men are amassing vast millions and even billions of dollars, and then startling mankind with the magnitude and magnificence of their philanthropy. I must not cause you to misunderstand me at this point. The intense struggles of boyhood and early manhood have wedded my heart forever to the poor, but I had a friend once whose benevolence bestowed at the right moment took me from between the plow handles for a time, and assisted in enabling me to obtain an education, and I must not despise the benefactions of the rich. I love to see those whom God has permitted to possess great wealth, giving their vast sums to assist the victims of poverty or disease, or to advance the noble causes of education and religion. But somehow I cannot resist the temptation to look up and thank Heaven that Earth's greatest philanthropist was not possessed of a single farthing, either in money or property. As I contemplate Him in this behalf, some sublime scenes rise before me.

In the first scene I see an humble dwelling nestled down among the clustering trees. It is break of day. Golden beams of light are chasing each other athwart the heavens. The dewdrops are glistening. The birds are singing. The bright sun is about to mount the skies. From out this humble dwelling I see come its owner, either to his work in the field hard by, where, ever and anon, he may drink from the gourd at the old spring, or to his study, or to mart of trade, or to his station beside the blazing forge. While he is gone I hear his wife within, singing as she goes cheerily about the routine of her daily duties. Night comes and the whole family are assembled; father is reading, mother often reads too, but just as often with her work in her lap, she is doing what mother is so much wont to do, she is trying to help everyone. The children gathered like lambs in the fold and protected from the wolves of vice, are at their books. After a while the youngest of them leaves the company with the sweet words upon its lips,

Now I lay me down to sleep,
I pray the Lord my soul to keep.

Ere long, when a chapter has been read from the well-worn Bible and the evening prayer ascended, the dancing flames die down in the old fireplace and Morpheus claims them all for his guests.

And as I stand in the sacred silence, history whispers in my ear and says, "It is from here as a rule that have come the stalwart ones who manage the most important business of the world; the pure young mothers who repeople the realms of virtue and happiness; the foremost teachers in our schools and colleges; the leading members of the three learned professions; the great generals who lead to victory the armies of liberty, and the statesmen who direct the destinies of nations," and ere the description is completed your heart is exclaiming with mine, "That which is now depicted is the Christian home, the unit of our civilization, the splendid gift to the world from its Greatest Philanthropist, Jesus Christ.

Another scene rises before me. Thousands of school houses appear in village or city or dotting hill and valley and plain and mountain top. Hard by, romping on the lea, are myriads of children whose merry laughter in echoing chorus mounts the skies. At a signal given they are at their books, and as I look in upon the magnificent scene I reflect that this is the public school, the pride and glory of America, and now of well nigh all Christendom, first thought of, first put to a practical test by the disciples of the matchless Gallilean in rugged, thinking, God-fearing, old Scotland—another logical gift to the world from its Greatest Philanthropist, Jesus Christ.

Another picture is presented to my view. Here in the foreground stands poor, pale-faced woman, almost bowed to earth by the load placed upon her. Here is the home, but she is not its mistress. She is its drudge. Here is personal property, but she cannot own it. Here is real estate, but she cannot take title to it, even though with the sweat of her own sad face, she earns the money with which it is bought. Here she is toiling in the field, beneath the blazing sun, with her infant strapped upon her back. Here is marriage, and she is on the block being sold to her husband like a brute. At every inhabited spot on the globe, I behold her as the drudge, the menial, the burden bearer, the abject slave of man.

Nineteen hundred years roll away and a changed picture is presented to my enraptured view. Here now stands sweet faced woman, erect and free in all her beauty and loveliness. Nearby stands a meek and lowly Nazarene. When I look closely I see He has a key in his hand, that he has unlocked her shackles and they are lying at her feet. Here she is now in her young womanhood, and a knightly youth on bended knee is pressing her hand

to his lips as he asks it in marriage, and bathing it with the tears of joy as she answers yes. Here she is by his side as his wife and he is proud to acknowledge her as his equal. Here is the home and she is its queen. Here is personal property and she can possess it. Here is real estate and she can take title to it. Here she is especially guarded under the law. Here, too, she is, as we often see her, eager to take her life in her frail hands and hasten away to the dark regions of the globe—to brave torture and death—that she may tell benighted men and women the sweet story of her deliverance, and ere I am through you are exclaiming, ladies, and you, too, gentlemen, "That which you now depict is the emancipation of woman, the precious, the sweet gift to half the human race from its Greatest Philanthropist, Jesus Christ."

One more scene rises before me. It is the quiet Sabbath morn. Even the bright sun beams seem to rest, and all nature is locked in the holy hush. Ere long the silence begins to be broken. Out in the country they are greeting on another as they hitch their horses to the old church yard fence, in the towns and villages the bells are ringing. In the cities the choirs are chanting and the great organs are pealing. After a while a great congregation is assembled, which already no man can accurately number, and then ascends to Almighty God, an anthem of praise which goes on resounding through the rolling spheres. And as I behold the magnificent spectacle, I reflect, let men say what they will, these are they from whose hard earnings comes as a rule the money which is building our school houses, our colleges, our universities and our temples of justice. These are they who are erecting the hospitals around the globe, and if, perchance, one is built at public expense it is they who are furnishing the soft hands and faithful eyes that minister to the unfortunate inmates. Their agents are everywhere, in the slums, in the desolate places. If a poor wretch is shivering from cold, it is they who find him and clothe him. If he is starving, it is they who, raven-like, bring him food. Their trained nurses, usually females, equipped with all the remedies and appliances known to the medical profession, are in the black regions of the globe, telling the simple story of the Cross, I know, but also, and no man can deny it, teaching the world's best science and civilization, healing the sick, watching by the bedside of the suffering, and making softer the pillow of the dying. Their missionaries are in all lands, preaching Christ, I know, but also, and no man can deny it, carrying light and love and love and light around the world. When

nations in their anger with panoplied armies have rushed upon one another, and blood and carnage have strewn the battlefield, the roar of the cannon has not yet ceased until their angels of mercy are upon the ground, binding up wounds, pressing the cup of cold water to the lips of the famishing and closing the eyes of the dead and dying. And as I contemplate this most magnificent instrumentality of love and mercy and charity the eyes of men have ever beheld, your heart is exclaiming with mine, "What is now depicted is the church of the Most High, the glorious gift to the world from its Greatest Philanthropist, Jesus Christ."

My friends, I have kept my promise made at the outset, I have stayed within my sphere. As best I could I have placed my humble tribute at the feet of that great Personage in history, whom, considered merely as a man, I admire above all others. But I am not only His admirer, I am also His unworthy follower, and I feel that I would be disloyal to His flag, if I did not ask you to permit me as a lawyer accustomed for so many years to weigh testimony, to step just for one moment over into the realm of the sacred, that I may draw the resistless conclusion from all the evidence I have been detailing.

Some persons say they cannot believe in a miracle, the basis upon which rests the divinity of Jesus Christ, because as they allege, "A miracle is the product of no force known to men." My friends, as jurors sitting in judgement upon our own cases, let us be fair and honest with ourselves and with the facts, especially when the fate of our own souls depends upon the verdict we shall render. Before we perplex ourselves so much over the question as to whether or not Jesus stood at the grave of Lazarus and with a loud voice cried out, "Lazarus come forth," and he came forth clad in his grave clothes, let us first determine the question as to whether or not a miracle greater than all those which the witnesses say were performed, is not being wrought before our very eyes every day we live.

To properly understand the great problems connected with human existence and to be enabled as a teacher to impart our knowledge to others, is not the work of an hour, or a year; it is the result of the labor of a lifetime. What force known to men, then, produced this young teacher, who passed away at thirty-three, who never sat at the feet of a distinguished instructor, who never attended a great school of learning, and yet whose wisdom

in the record where we can read it, surpasses the aggregated wisdom of all the hoary-headed sages of time combined?

By an old maxim of the Latins, half as old as the human race, "The poet is born; the orator is made." The power of the latter, if genuine, comes from long years of severest training and experience. What force known to men, then, produced this matchless orator, who threw down His carpenter's tools, mounted the rostrum and without training, without a model, without a borrowed thought, without a literary reference save to one Book, has, throughout nineteen centuries, held the world entranced by the magic beauty and power of his eloquence?

What force known to men has placed this blazing torch of liberty in the uplifted hand of this humble, intrepid Gallilean comoner; which He has borne aloft adown the long black night of time, and which all the powers of Earth and Hell combined have never yet been able to extinguish?

What force known to men has produced this marvelous paradox, that while we are continually being assured that science is dethroning Jesus, by the undisputable record, the brighter science shines, the firmer grasp He has upon the human race?

What force known to men has brought about this remarkable status, that wherever on the globe we find law and light and love and liberty, there Jesus is not only admired as a man, but is worshiped as a God, and wherever any other religion than His prevails there we find ignorance, superstition, cruelty and despotism?

What force known to men, I pray you, has thrust this blazing star into the firmament, which, with ever-increasing splendor and glory, is enlightning the world?

Ah, my friends, the conclusion is inevitable. It is resistless. Jesus of Nazareth is the product of no force known to men. In and of Himself He is the standing miracle of all the ages. Surely, surely, the bright old Sun was right, when, after looking down upon myriads of deaths, he hid his face and refused to gaze upon his Maker while He died. Beyond peradventure, beyond peradventure, the grim centurion was right when panoplied in the steel of Rome he stood on Calvary and, beholding that awful scene, exclaimed, "Truly this man was the Son of God."

AUTOBIOGRAPHY.

CHAPTER I.

INTRODUCTION.

THIS autobiography, if a plain statement of an ordinary man of the facts connected with his life may be so designated, is certainly not inspired by self-esteem. Whilst winning quite a number of battles fought for the public good, I have too often realized my faults, and received too many scars at the hands of political bosses and the law-breakers whom they control, to leave a place in my breast for self-conceit. On the other hand, it is trusted that it will be distinctly understood that I am not prompted by the slightest desire to apologize. I shall stand by the law as long as I live. These lines are written mainly to meet misrepresentation.

My work for the supremacy of the law; my long fight while prosecuting attorney against crime in high places and in aiding in the over-throw of criminals with powerful friends; my prosecutions, at the instance of good citizens at various times, of gamblers, jury bribers, corrupt officials and election thieves; my enforcement of our Sunday laws while prosecuting attorney and while on the bench; my opposition to the great source of crime and suffering, the brewery and the saloon; and my labors on the stump and in the press against an organization of misguided men, backed by millions, and who are striving to deprive the people of their titles to their homes and farms, have made me the object of bitterer and more prolonged misrepresentation than has fallen to the lot of any Missourian in the history of our Commonwealth. It has been a misrepresentation which demagogues have failed not to place upon the lips of the lawless classes, and to which hundreds of columns have been devoted by that portion of the metropolitan press which hates a genuine reign of law and order, and which holds, along with the disorderly classes, that there are laws which sworn officers ought not to enforce. It has been a misrepresentation, too, before which for years I have stood powerless

and silent, because under such circumstances one man can do practically nothing, for it is a known fact in the history of republics that he who chooses to espouse the cause of good government receives when attacked but a scanty defense at the hands of its best citizens. This autobiography is written in the hope that this misrepresentation may be in some measure met by a plain, terse statement of the facts of my life from boyhood up, and the truth permitted to tell its own story. I may add that I see no reason why an ordinary man like myself as well as the illustrious may not with propriety write an autobiography.

I probably owe it to myself to add that my intensest enemies have always admitted that I was an honest, sincere man, of good moral character. But while admitting this, there are scores of methods by which a man can be misrepresented, depreciated and defamed. I have been caricatured and maligned by a portion of the metropolitan press from the Atlantic to the Pacific, while the criminal classes—some of them possessed of vast wealth and power—have circulated every form of falsehood which human ingenuity could invent, short of attacking my personal character. But I shall relate the facts of my life truthfully and let them speak for themselves.

CHAPTER II.

FROM CHILDHOOD IN KENTUCKY TO BOYHOOD IN MISSOURI.

JWAS born on a farm in Clark County, Kentucky, October 11, 1848. I am of Scotch-Irish lineage, my ancestors having moved from Scotland to the north of Ireland. My father was Rev. Joseph William Wallace, a Presbyterian minister. He was born in Fayette County, Kentucky, in 1821. He was a scholarly man, having graduated from Centre College, Kentucky, and from the Theological Seminary at Princeton, N. J. My grandfather was Colonel John C. Wallace, a farmer, and an officer of Kentucky troops long before the Civil War. He was born in Virginia and brought as an infant on a packsaddle over the Cumberland Mountains from Virginia to Kentucky. My great-grandfather was Captain John Wallace, born December 18, 1748, a Virginian and a captain throughout the Revolution with General Washington. We have an old book containing memoranda in his own handwriting made at "Camp Valley Forge, 1778," where the soldiers

had not sufficient straw to protect their bodies from the frozen ground, and another made at "Camp Whitemarsh, 1777." His sword was also in the possession of the family, but was borrowed by some one to use in a drill back in Kentucky and never returned. My great-great-grandfather came from the north of Ireland to Pennsylvania in the early part of the Eighteenth Century.

My mother's maiden name was Ann Elizabeth, eldest daughter of Edmund Warwick Hockaday, a farmer of Clark County, Kentucky. She died when I was a very small child, at Versailles, Ky., where my father was pastor. I was her first and only child. I will be pardoned, I hope, for saying that her father frequently told me that she was a bright young woman, fond of language—reputed the best Latin scholar in his section. It would afford me intense pleasure if I could recall a look from her eyes, a word from her lips or a touch of her motherly hand, but I can not. My heart is always in ecstasy when I contemplate her welcoming me to the Shining Shore.

About five years after my mother's death my father was married to Mrs. Jessamine Ryley, widow of Dr. Alfred Ryley, deceased, of Fulton, Mo. She was born in Jessamine County, Kentucky, and was named for the county. The celebrated novel, "Order No. 11," by Mrs. Caroline Abbot Stanley, is dedicated to her by reason of the fact, I presume, that Mrs. Stanley obtained from her many of the thrilling facts which are so beautifully woven into fiction. When married to my father she had two children, Emma and Archie Ryley. They both died before they were fully grown, and sleep by their father, Dr. Ryley, in the old churchyard near Auxvasse, Callaway County, Mo. My step-mother was a woman of fine mind and heart, intensely religious, and was as kind to me as if I had been her own child. By this second marriage were born four sons: John C. Wallace, a lawyer, now deceased; Charles H. Wallace, a physician at St. Joseph, Mo.; Theodric B. Wallace, a lawyer at Kansas City, Mo., and Addison A. Wallace, a Presbyterian minister at Mexico, Mo. The church at Mexico is his only pastorate, the twenty-fifth anniversary being celebrated a short time ago. In point of service, however, he still lacks much of equaling our father, who preached the Gospel sixty-one years.

My boyhood life in Kentucky was uneventful. Although being for four years without a mother, I was much at the homes of relatives in Woodford, Fayette, Clark and Montgomery Counties, and saw more than many boys of my age. Some persons are

prejudiced against a Kentuckian or a Missourian, but, ordinary fellow that I am, I am proud of the fact that I was born in the same State with Abraham Lincoln, the adopted State of Henry Clay, and I am equally proud of the fact that I was reared in a State which I first had the honor to denominate "Grand Old Missouri."

Early in 1857, when I was a little over eight years old, my father moved to Missouri, coming by steamboat and landing at Wayne City, just north of Independence, Mo. He settled on a farm in Jackson County, Missouri, on the open prairie between what are now Lees Summit and Blue Springs. I have traveled some in America and in other lands, but this particular section will always linger in my memory as one of the most beautiful spots on earth. There may have been other places in Missouri just as beautiful, but I did not see them, and they did not enchant my boyhood eyes. Probably nine-tenths of the ground here was unfenced. The prairies were rolling, although nowhere precipitous, and in the spring, summer and autumn covered with green grass mingled with flowers of almost every hue and fragrance. Springs were gurgling, and brooks filled with perch were running to the woods. As these brooks grew into creeks the prairie fires of the Indians had been impeded, and stately forests added grandeur to the bewitching scene. Wild geese, prairie chickens and partridges abounded in great numbers, and even in my day the pheasant was still drumming in the woods, and there were yet left some wild turkeys and deer. It was said that a man could travel from our farm to Denver, Colo., without passing through a lane.

CHAPTER III.

BOYHOOD ON THE FARM IN MISSOURI.

JN THE spring of 1857 our farm life commenced. My brother, John, was born in Versailles, Ky. The other brothers, Charles, Boulware and Addison, were born while we lived on the farm. As soon as we were old enough all of us worked as regular hands on the farm. My father worked on the farm during the week, and preached to his congregation on Sunday. He cared absolutely nothing for a city church, or the blandishments of fame, preferring to live the quiet, contented life of a country clergyman and to rear, as he said, his five boys on a farm.

My father and mother—I call her mother, for I loved her as a mother—each owned negroes. I believe I can recall all of their names: Aunt Mary, Marshall, named for the orator Tom Marshall of Kentucky, Alfred, Louisa, Mandy, Patsy, Big John and George. These were brought to the farm. Henry, a carpenter, Kaiah, a horseman at a livery stable, Lethy, a cook, and Uncle Jack, a giant rail-splitter—thought by many to be the strongest man in the State—were all left back in Kentucky, which they greatly preferred. Uncle Alfred, his wife, Aunt Alsie, and Jerry, belonging to my step-mother, were left in Callaway County, Missouri, which they also preferred. Except that they lived in their own quarters, my parents treated their negroes just as they did their own children. They never separated husband and wife. They never “sold a negro South”—in fact, never bought or sold one at all. They were all negroes raised in the respective families. They ate exactly the same kind of food we ate, and my mother often cut out and made clothes for them with her own hands. Every Sunday night all the children, white and black, promiscuously sat on the floor along the wall in my mother’s room while she recited the simple story of the Cross and taught us the catechism. But it was not all catechism. We children roamed over the prairies, and Marshall and I played on the Jew’s-harp in unison, “Black Snake,” “Arkansas Traveler” and a dozen other “hoe-downs.” No negro in the neighborhood could excel me in “patting Jubah,” and many a night I “patted” while the young negroes made the dust fly on the old oak floor and the flames were leaping in the big fireplace and the tallow candles were lending their yellow light. In the harvest time I can hear the negro binders singing, each one as he pitched the bundles in the air along his allotted stretch behind the reaper. The first negro with a tremendous and musical voice slowly sings out “A-s-k C-a-p-i-n B-u-l-l-f-r-o-g.” And the next binder on the other side of the field sings, “W-h-o m-a-d-e t-h-e b-u-i-l-d-i-n-g?” And the next sings, “W-a-y o-v-e-r i-n t-h-e m-o-u-n-t-a-i-n-s.” And then they all with other binders join in the chorus, “J-a-n-g-o, L-a-n-g-o, H-o-H-o, w-a-y o-v-e-r i-n t-h-e m-o-u-n-t-a-i-n-s.” And then with negro melody they would all burst forth upon some such refrain as, “Way down upon de Swanee Ribber,” and I would listen as I carried bundles to my father, who placed them in the shock.

I began to plow with a yoke of oxen, old Wiley and Rock, when I was nine years old. I could not lift the breaking plow at the turn of the “land,” but the old steers would drag it around,

and I had strength enough to straighten it up again. I have never felt as big at any time in my life as then. I have been at work ever since. As I grew to manhood I did every kind of farm work. It made no difference that we had negroes before the Civil War. My father maintained that every boy ought to learn to work, and I worked beside the negroes at any task for which my strength was sufficient. My father, though a preacher, was "well-to-do." He had about twenty horses, most of them good ones, brought from Kentucky. The farm was well stocked with cattle, hogs and sheep. Ours was a happy home.

CHAPTER IV.

THE BORDER WARFARE—ITS BLACK FLAGS—ITS BURNING HOMES—ITS ROBBERIES—ITS MURDERS.

BUT my father's beautiful farm was destined to be laid waste, his property taken from him, and he and his family driven from home practically penniless. This was a part of the general work of destruction in Western Missouri, and was begun and finished in about two years. As explained a few lines farther on, I was intimately connected with it, and it constitutes about as thrilling and trying an epoch as can be found in the life of any lad. It was now 1861. The war was on. We lived not very far from the Kansas line, and were in the very midst of the Border Warfare, in which the scenes enacted were more horrible than at any other place in the entire Southland. I know not why, but almost from the outset I became a sort of general errand boy for our section. I was constantly called upon by neighbors. The men hesitated to go to the towns for fear of arrest or detention or something worse. I was thought to be too young to be harmed, and I went with the women, oftener by myself, day and night, for war calls are frequently urgent. We had two splendid "Union men," as they were called in our section, Mr. Jack Winn and Mr. Jeremiah Massie, who constantly plead with Federal soldiers for Southern people. I remember one of my first trips was with Mr. Jack Winn to the camp of General James Lane, who was marching South from Kansas through Jackson County, Missouri, with about 5,000 men. I was taken along to identify two colored boys, Dave and Newt, belonging to a young lady whose parents were dead, Miss Phoebe Winn. These boys had been taken to Kansas, and were said to be then with Lane's brigade. Lane asked me to ride along by his

side, which I did for quite a distance. I heard Mr. Winn say to General Lane that the war was not to free the negroes and that he desired an order to take those negro boys back to their owner. Lane agreed with him, and gave the order, but after several hours' search of the great camp we could not find the negro boys.

I remember, among many others, a ludicrous circumstance. I had driven the buggy for my mother, who had come to Kansas City, twenty-five miles away, to buy goods. She had \$186.00 in large bills, a good part of it belonging to neighbors for whom she was to make purchases. When she had completed her purchases at Shannon's store, on the levy, she could not find her money. She stoutly contended that she had it when she entered the store, and there was a hubbub among the clerks, one of them sweeping the floor and behind the counters in the search. Finally she had me drive the buggy up, got in, and said she was going; that she was ashamed of herself for having intimated that some one had taken the money. She said she had hidden it in her hair to keep the soldiers from stealing it and had forgotten where she had put it. I persuaded her to pay for her purchases.

I remember going with one lady to see her husband in Southwest Missouri. We found our way a good part of the distance by following the solitary chimneys of burned houses along the line of march of a body of troops, which a man told us would lead us to our destination. I recall, too, that I was frequently sent to stay all night as a kind of protection to women and little children when the man of the house was called away. My most trying ordeal was when I was asked for and sent to a home where they had smallpox. My mother gave me a blanket, with instructions to wrap up in it as I slept, which I did, and escaped catching the disease.

But to return hastily and more logically to the thread of my story. I shall never forget one thrilling tragedy connected with the ushering in of the Border Warfare in Western Missouri. Charles Quantrell, a Marylander, along with his brother, was freighting across the Plains, as the country between Kansas City and Denver was then called. A band of free-booters, known as the "Kansas Jayhawkers," for which I presume no party or section was responsible, attacked them and sacked their train. Quantrell's brother was killed, and he himself wounded and left for dead. He recovered, however, and to be revenged joined the band, of course not divulging his identity. He induced the three men who

had killed his brother and shot him to come down to the farm of old Morgan Walker, a wealthy farmer who lived about nine miles from my father's, the object being to steal his money and his mules and horses. They secreted themselves in the woods until nightfall. Quantrell had gone to the house to see that the way was clear. But he was leading them into ambush, and when the three robbers stepped upon the front porch Quantrell, Morgan Walker and others fired upon them. One was killed dead. The other two escaped, one of them badly wounded. They tracked him by the blood, but the trail was lost. A few days afterward a negro, going with an ox team for wood, saw a camp fire and a man lying on the ground while another attended him. He turned back and told what he saw. Quantrell, Morgan Walker and others went to the scene. When the well robber ran Walker, who was a dead shot, shot him through the head with his squirrel rifle. Quantrell went up and shot the wounded man. I can distinctly recall now how, midst the excitement of the on-coming war, my heart beat faster as I listened to the story of this tragedy, not only in the house but out among the negroes.

Quantrell remained in the neighborhood and, though a total stranger, organized what was afterwards known throughout the Union as "Quantrell's Band of Guerrillas," and whose deeds of daring are almost without a parallel in history. This band fought as Guerrillas for two years, mainly in Jackson County. The black flag was carried in the Border Warfare, that is, no prisoners were taken. All captured were shot.

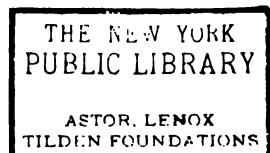
Early in the struggle the Federal troops secured and held all the principal towns, Kansas City, Independence, Westport, Pleasant Hill and Harrisonville. They sent their squads of soldiers throughout the country, and they and the Guerrillas were continually fighting. As an errand boy I was frequently in the camps of both sides, and as I traveled about I met small companies hundreds of times. I sometimes helped feed the horses of the Federals at my father's in the forenoon and then helped feed the horses of the Guerrillas in the afternoon. As the tragic days rolled away and conditions grew worse and worse no pen can describe the awful scene.

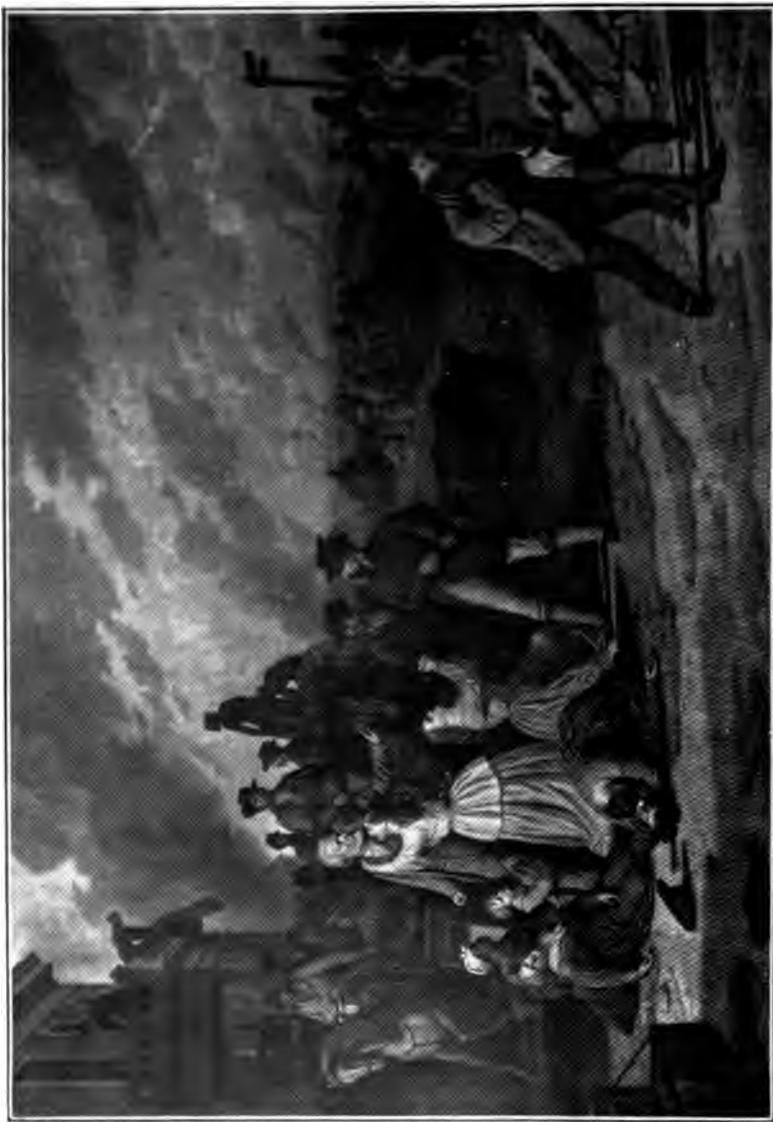
One day a band of soldiers under Captain Pardee, belonging to the Kansas Regiment of Colonel Jennison, came to my father's. They sacked our home, taking everything of value which could be carried, clothing, blankets, quilts, silverware, bridles, saddles, harness. One of the negroes, Alfred, went with them. The other

negroes, under the advice of Marshall, who was ever true to us and who stayed with us until he was forced into the Federal army, refused to go, although Big John and George left shortly afterwards. Five of the best horses were taken that day. A circumstance occurred at this time which demonstrates the power of God's Word connected with prayer. Two of Captain Pardee's men stayed at our house the night before. When my father had family worship that night—he never missed, morning or night—one of the soldiers knelt down readily at the end of the chapter. The other soldier twisted about for quite a while, but finally came down on his knees, his saber ringing on the floor as he did so. Those two men took none of our property, and tried to dissuade the others.

Another circumstance on that eventful day is branded forever in my memory. My father was sitting on the front porch. A soldier cocked his pistol and gave him three minutes to get a gold watch which he had been told my mother had in bed with her, for she was sick. I felt sure he would shoot. My father, without so much as rising from his seat, said without a tremor in his voice, "You can shoot on. The watch is my wife's, and I will never ask her to give it up." I saw him afterwards when his life was threatened and actual violence was resorted to, and he was just as cool. I do not believe that during his pilgrimage of eighty-three years he was ever frightened. But "He feared God and kept His commandments."

The Border Warfare was now fully on, and for two long years the land was ablaze with horrors. No pen can depict it, no picture fully portray it. Bands of soldiers were ever shooting across the prairies, their guns and sabers glistening in the sunlight. Solitary horsemen were ever dashing to or from this scene or that. Little battles were being fought on all sides. I can see myself now sitting on a rail fence listening to the roar of the cannon at Lone Jack—said to be the bloodiest battle of the war in proportion to the number of men engaged in it. The tragic story of one scene was hardly told until another was going the rounds. Citizens were arrested and lodged in jail, and women and children left alone and defenseless. The day of vengeance came. Men were hung to trees or in their barns, or called from their homes in the night time and shot. Meantime the torch was vying with the sword. A burning house could be seen across the prairies in the night time at a distance of at least twenty-five miles. One night I looked out of a second story window and counted twenty-two houses on





—After the celebrated painting by General George C. Bingham, a Union man.

ORDER No. 11.

fire. The prairies were frequently fired. One day when the wind was very high I saw a band of soldiers on a high ridge some three miles away. Two in the rear seemed to stop. A blaze arose. The flames came leaping toward where I was, and I believe in less than ten minutes they had covered the three miles. The whole sky was black with smoke. Some neighbors fought the fire and escaped injury to their farms. Others did not.

CHAPTER V.

“ORDER NO. 11.”—A TRUE ACCOUNT BY ONE OF ITS VICTIMS, WHO, WITH THE WONDERING EYES OF A BOY, SAW ITS HORRORS.

AT LAST the awful end came. On August 23, 1863, General Ewing, a commander of United States troops at Kansas City, Mo., issued the famous “Order No. 11.” This order required every one in our home county, Jackson, and other adjacent territory to leave in fifteen days. The following is a true copy of the order:

GENERAL ORDER NO. 11.

“Headquarters, District of the Border, Kansas City, Mo., August 25, 1863.

“First.—All persons living in Cass, Jackson and Bates Counties, Missouri, and in that part of Vernon included in this district, except those living within one mile of the limits of Independence, Hickman’s Mills, Pleasant Hill and Harrisonville, and except those in that part of Kaw Township, Jackson County, north of Brush Creek and west of the Big Blue, embracing Kansas City and Westport, are hereby ordered to remove from their present places of residence within fifteen days of the date hereof. Those who, within that time, establish their loyalty to the satisfaction of the commanding officer of the military station nearest their present places of residence, will receive from him certificates stating the fact of their loyalty and the names of the witnesses by whom it can be shown. All who receive such certificates will be permitted to remove to any military station in this district, or to any part of the State of Kansas, except the counties on the eastern border of that State. All others shall remove out of this district. Officers commanding companies and detachments serving in the counties named will see that this paragraph is promptly obeyed.

“Second.—All hay and grain in the field, or under shelter in the district, from which the inhabitants are required to remove, within reach of military stations, after the 9th of September, next, will be taken to such stations and turned over to the proper officers there; and reports of the amounts so turned over made to district headquarters, specifying the names of all loyal owners

and the amount of such produce taken from them. All grain and hay found in such district after the 9th of September, next, not convenient to such stations, will be destroyed.

"Third.—The provisions of General Order No. 10 from these headquarters will be at once vigorously executed by officers commanding in the parts of the district, and at the stations not subject to the operations of paragraph first of this order—especially in the towns of Independence, Westport and Kansas City.

"Fourth.—Paragraph 3, General Order No. 10, is revoked as to all who have borne arms against the government in this district since August 20, 1863.

"By order of Brigadier General Ewing,

"H. Hannahs, Adjutant."

The Union forces had full possession of all the towns, and were, except as to the trouble given them by the Guerrillas, in absolute control of the country. There was nothing to do but obey the Order. It was a tragic hour. All of our horses broke to work, except two, had by this time been taken. We had three or four yoke of oxen. Many of our neighbors had no conveyance of any kind. Marshall, who was still with us, with the oxen and a big wagon, and I with the two horses and an ordinary wagon, undertook in the hour of necessity, and of course without recompense, to transfer these neighbors and their household goods to Independence, the nearest military post. We worked at it day and night, Marshall killing an extra young ox, which had been pressed into service, and I overworking the horses until one of them was afterwards worthless. Indeed, we worked for others until we were one day over-time in leaving the country.

Our outfit as we moved slowly to Callaway County, Missouri, our destination, was as follows: In the lead was a wagon containing household goods drawn by one yoke of oxen, driven by my father. Then came a rickety old surrey, an old "rockaway," as we called it, in which were seated my mother, A. A. Wallace, then an infant, and T. B. Wallace, next to the youngest, also my step-sister, Emma Ryley, and a negro girl, Louisa. This "rockaway" was drawn by a very old, worn-out sorrel horse. Our buggy harness had all been stolen, and old sorrel was clad in harness consisting of an old plow blind-bridle, a work back-band, big wide breeching, commonly used on the wheelers in a six-horse team, and ordinary iron trace-chains. Next came Marshall, driving two yoke of oxen with a big wagon filled with household goods, mainly furniture and bedding. Our blankets and things of that sort had been stolen. On the top of this load were seated my two brothers, John and Charles, Aunt Mary and her daughters, Mandy

and Patsy. Then came in the rear a few mares, colts and cattle driven by my step-brother, Archie Ryley, and myself.

As intimated above, Archie, Marshall and myself were one night over-time in leaving, a dangerous experiment caused by hauling for neighbors. No other night has painted upon my memory such a scene of silent horror. My father, mother and the younger children had gone on ahead, crossing the Missouri River at Kansas City, leaving Archie, Marshall and myself behind. The big wagon stood in the yard, close to the house, loaded. Soldiers had just camped in the yard the night before, hitching their horses to the trees, and leaving the straw and pieces of a beef they had killed and fragments of burned rails used in cooking scattered about on the ground. Tired, I climbed to the top of the load on the big wagon, and lay down to rest. Night was just coming on, and we were to start before day the next morning. Houses were on fire in the distance. The yoked oxen lay silent in the lot. The few remaining stock were penned farther away. Probably not a human being was within fifteen miles of us. We had no cover for the wagon, and I gazed at the stars as they came out. Though I knew I could see them when I reached my destination, it seemed that I was telling my boyhood stars goodby forever. It was August, and the balmy air was not stirring a leaf; the hush was intense.

After a while the silence was broken. A dog left behind at a neighboring house began to howl piteously. The dogs throughout the neighborhood took it up. Their howls rang out upon the still air, some of them seeming miles away. They missed their masters and the children with whom they had played, and their doleful voices continued throughout the night. Thus was the awful reign of "Order No. 11" howled in.

We were off the next morning before it was good light. When about two miles west of Lone Jack, and still four or five miles inside of Jackson County, we met a band of Federal troops. Our crowd consisted of two boys and one negro, and although we were inside of forbidden territory over-time, they said not a word to us.

Marshall, Archie and myself passed through Lafayette County, getting the negroes last above named, where they were staying at Dr. Keith's, near what is now known as Odessa. We crossed the river at Lexington, and joined, near Richmond, Mo., my father, mother and the other children, who had crossed at Kansas City. With the outfit above described we continued our journey to

Fulton, Mo. We stopped several days at Columbia, Mo., where a brother of my step-mother, Dr. Archibald Young, resided, and where relatives of my own mother lived. When within a few miles of Columbia my father bade me proceed into town and announce our coming. Before starting my mother wished me to make my toilet. I was then clad in an old straw hat, a tow linen coat and what we would now call a working man's shirt, a pair of tow linen trousers and plow shows. My toilet was quickly made, for all I had to do was to climb over a rail fence into a hemp patch and put on a working man's clean shirt, all the extra wardrobe I had. I made the announcement, and in a short time the caravan above described moved slowly up the main street into the Athens of Missouri.

We were most kindly received. The beautiful homes of Columbia were thrown wide open to us. In less, I think, than twenty-four hours Mrs. J. L. Stephens, mother of Hon. E. W. Stephens, Mrs. R. B. Price and Miss Lizzie Hockaday, all sisters and first cousins of my own mother, asked me to go down town with them, where they bought me a nice fall suit of clothes.

After a short stay in Columbia we proceeded to Fulton, Mo., where my father, at a very small salary, was given a professorship in Westminster College—then in very straitened circumstances. We lived on a rented farm. That winter was a fearful ordeal for us. Seven of our horses and colts, including my old pony, sold for \$142, all told. Some of the cattle went about as cheap. We paid \$20 a ton for hay to feed the little stock we had left. The thermometer was for some time below zero that winter. I had no overcoat and nothing to wear except that fall suit given me in Columbia, and a cotton shirt under it. I said to my mother one day that I got a little cold while milking, feeding the stock and getting up wood. She made me a flannel shirt. My! what comfort I got from it! Some church in St. Louis, hearing of our condition, sent us a big goods box full of old second-hand clothes. My mother said we had some pride still left and that we would shiver in the winter's blast rather than wear them. The box and contents were returned. Our food that winter was about as scanty as our clothing. When people get poorer, Heaven pity them!

CHAPTER VI.

WORKING AS A FARM HAND AND TEACHING SCHOOL TO GET SUFFICIENT MONEY TO ATTEND COLLEGE—REFENCING THE FARM—MY COLLEGE DAYS.

AFTER two years' stay at Fulton, during which time I attended the preparatory department and began the study of Latin and Greek at Westminster College, the war was over and my father, with one yoke of oxen—the others had been sold—and a pair of old dilapidated mules, which he had purchased, prepared for the journey back to the farm. A benevolent citizen from whom he had rented, Judge T. B. Nesbit, wanted to know what he was going to do with the boy, Will. My step-brother was then dead. My father replied that he had no money to send Will to college, and would be compelled to take him back to the farm. Judge Nesbit said, "Let him stay at my house and get a college education. His board will not cost you a cent." I stayed at his home as a member of his family for three and a half years and attended college, paying of course expenses outside of my board with money my father gave me or I earned myself. Heaven bless Judge Nesbit's noble, generous soul. I am sure he is with that God-man whom he loved and who lived for others and gave his life for them.

When my father returned to his home at the close of the war his farm had been laid waste. Practically nothing remained but the old house, which the bluegrass in the yard seemed to have protected from the fires which desolated the prairie lands. He had no money and not much stock. I left Judge Nesbit's for a time and joined him. He began with dauntless energy to get upon his feet again. The negroes were gone, and my brothers were yet too young to work, the oldest one of them being about seven years younger than myself. My father had no money to hire even one farm hand. The country settled up almost by magic, farmers not ruined by the war pouring in from Illinois and elsewhere. My father taught school in one country district. Though only eighteen, I taught in another. I taught in an old stable about fifteen feet square with fodder set up around the sides to keep the wind out. My father and I fed the stock as a rule during the winter before it was good light, and after dusk. More than once by moonlight reflected from the snow we cut and hauled wood at

night. In a short time we were in a better financial condition, and I hauled many a hundred rails from the woods, three miles away, with a good four-mule team. I did every kind of work required on a farm. While some men who never hit a lick in our State in their lives are talking about the industrial development of our Commonwealth, I have the consolation of knowing that with my own hands I did something toward rebuilding "Grand Old Missouri." I went back to Judge Nesbit's again, and by his kindness in boarding me, except one year, with money furnished me by my father and made by hard licks on the farm, I took the regular classical course, graduating from Westminster College in 1871. I was at Westminster seven and a half years. I began, as I said, in the primary department, where I studied arithmetic, grammar, geography, etc. I went through the whole curriculum, which, it was said, was about the same as at Princeton, Yale or Harvard.

I shall never forget my first attempt to make a speech, or rather to deliver a declamation. It was a terrible failure. The effort was on Saturday morning, before all the students and all the professors. I had seen a line of beautiful girls all dressed in white at a female seminary at Pleasant Hill, Mo., recite in unison "The Sailor Boy's Dream," all making the same gestures, about two or three to the line. I said to myself, I will declaim "The Sailor Boy's Dream," making all the gestures just as those girls did, and will show the boys how to make a speech. By the time I had reached probably the fifth line the boys were roaring with laughter. It embarrassed me fearfully. The more they laughed the faster I went, gestures flying in every direction. I stuck to it and finished and, midst a storm of laughter, in which I think even the grave professors must have joined, went to my seat about the most chagrined and mortified boy that ever tried to make a speech. When my next turn came a few weeks afterward, I chose a prose declamation, Patrick Henry's "Give Me Liberty or Give Me Death." I kept my arms folded so that I could not make any gestures, and "sailed in." To my tremendous delight the professors who always made public criticisms said I did pretty well. Shortly afterwards I was asked to join the Philalethian Society, one of the two literary societies connected with the college. But the initiation fee was fifty cents and I did not have the money. In a few weeks, however, I raised the fifty cents and joined. I recall a celebrated debate in which I engaged about the time I think I was in the junior class. A dignified old

gentleman from the East was making the rounds of the Western colleges challenging the boys to debate the question, "Resolved, that the Antediluvians were as much larger than we as they were older," he taking the affirmative. He came to Westminster and solemnly challenged us. The two societies met and selected me to meet him, giving me, of course, the negative side. It was a memorable occasion, and every seat was taken. The old man in his opening gave a great many figures and made a great many deductions. He showed that Adam was 600 feet tall and 200 feet across the shoulders. Other antediluvians were larger.

When my time to reply came I stepped with great dignity to the platform and without any preliminary whatever began:

"How big was Alexander, Pa,
That people call him great;
Was he like some Goliath, tall,
His spear a hundred weight?"

Then came my poetry:

O, yes, my boy, but not so tall
As Adam was before the fall;
Six hundred feet was he in height,
And the top of his head was out of sight.

I had eight or ten more verses of about such stuff. I made even more merriment than I did in my celebrated declamation, "The Sailor Boy's Dream," though this time it was intentional. Farther on in the argument I got down to serious work and proved by the measurements of the Ark that Noah never could have gotten into it if he had been as large as the old gentleman, my worthy opponent, said he was. The old gentleman was absolutely downcast. I told one of the boys to go and whisper to the old man that Wallace did not know what he was talking about, that inches and feet and cubits had diminished in size since the flood just as men had. When the boy told him that, the old gentleman jumped to his feet in exultation. He desired he said to tell the smart-aleck who was opposing him that inches, feet and cubits had degenerated in size since the flood just as men had. The boys shouted and stamped the floor. I arose and said that the old gentleman had me and moved that it was the sense of the audience that he had won the debate, which was unanimously carried. But enough of my college days. I possibly ought to say that during the first two and a half years at college I did not study as much as I ought

to have done. I did not see the importance of it. During the remaining five years I worked day and night.

CHAPTER VII.

TEACHING SCHOOL AGAIN—WORKING FOR NEWSPAPERS—MY FIRST FIVE YEARS AS A LAWYER.

AFTER leaving college I taught school another term, read law for a while in the office of John A. Hockaday at Fulton, afterwards Attorney General and Circuit Judge, and was licensed by Judge Burkhart, for many years judge of the circuit including Callaway County. I was in partnership a little while at Kansas City with James B. Snell. I then located at Independence, Mo., and while waiting for clients wrote for some time for the *Independence Sentinel* and the *Kansas City Times*, then belonging to Dr. Morrison Munford. I was for a while with Geo. W. Buchanan, a lawyer of the old school at Independence.

My first case of any importance was that of State vs. Henry Cathey, tried on an indictment for murder in the first degree. I was permitted to take part in the case through the courtesy of the leading counsel, experienced lawyers, Captain A. Comingo, an ex-Congressman, and James H. Slover, afterwards for so many years Circuit Judge at Kansas City. Their kindness to an unknown, briefless young lawyer will never be forgotten. The prosecution was represented by two splendid orators, Hon. John L. Peak, the prosecuting attorney, and Senator William Warner, the leading criminal lawyer of Western Missouri. It was the first murder trial I had ever attended even as a spectator, and I was terribly frightened throughout, not because I feared anybody, but from sheer embarrassment. I felt totally unequal to the occasion, and yet I wanted to take a hand. The trial excited intense interest. A man named Nicholas Crenshaw had ruined Cathey's home. Cathey bought buckshot in Independence, waded a creek, called him from his house and shot him with a double-barrelled shotgun. Of course the defense was "the unwritten law." I made my address to the jury in a gray jeans suit cut out and made by my mother. The crowd applauded me several times, which, midst the storming of the Judge at the audience, embarrassed me more than ever. But I kept ahead with my speech, which was pretty well thought out beforehand. Cathey was acquitted, and

while I have often thought I did not deserve it from a mere speech, I did not lack business afterward.

Shortly after this I formed a partnership with Judge E. P. Gates at Independence, which lasted there and at Kansas City seventeen years. After practicing five years at Independence I moved in 1880 to Kansas City, Judge Gates remaining in Independence, where we still kept an office for some time.

CHAPTER VIII.

A BRIEF SUCCINCT HISTORY OF THE CAREER AND OVERTHROW OF THE MISSOURI OUTLAWS, BEING THE ONLY BOOK ACCOUNT EVER PUBLISHED FOUNDED ON THE FACTS.

JCOME now to perform a task which probably I owed it to the people of my boyhood State and to the good name of the Commonwealth itself to perform thirty years ago. But when I was through with the prosecutions against the Missouri outlaws at the end of three years I felt as if I had just gotten out of a long war. The outlaws were absolutely overthrown and I desired to return to my private practice as a lawyer, which I did. It is said, however, that the truth of history is never written until at least thirty years after the events transpire. If this is true, I am still in time to perform the duty which I feel I owe to the good name of my State, especially to the memory of those of its people who lived thirty years ago.

I have been frequently asked to do this on the ground that I was qualified by experience and observation for the task. And probably I am fairly well equipped for the work. I was raised in the same section of the State with these outlaws, and in the immediate neighborhood with a number of them. For three years as prosecuting attorney I studied their history and their depredations until I knew far more about their friends and their relatives than I did about my own, and could give from memory the date and place of most of their offenses, the amount of money obtained and the names of the persons killed. In fact I still hold most of this in memory and can quickly refer to data if memory needs to be refreshed. So that I shall now, without fear or favor and upon my honor as a man, without the least resentment toward anyone, tell the plain truth about the Missouri outlaws.

At the outset I wish to defend the people of Missouri by stating that they were never in favor of outlawry. That the specific truth may be known, I wish to say that in Western Missouri the ex-Guerrillas were in deep sympathy with the James Band on account of old comradeship during the war. Their friends and relatives were also in sympathy with the band. What are known as the lawless classes and who always admire deeds of blood and daring whether from the North or South were also intensely in favor of the bandits. But the great body of the people, and especially the ex-Confederates, who regarded the depredations of the James Boys as a stigma upon them, were against the outlaws, and sincerely desired to see them overthrown. I shall say more of this accompanying it with the overwhelming proof farther on.

HERE ARE THE FACTS.

For fifteen years after the close of the Civil War the "Missouri outlaws," generally known as the "James Boys," terrorized our Commonwealth. Seven years of this time was while the Republicans held offices in the State. Eight years while they were held by the Democrats. During this fifteen years the newspapers of the nation teemed with accounts of their depredations. Probably two-thirds of their depredations were within the borders of Missouri. The other one-third extended from Alabama to Minnesota and from West Virginia to Kansas. The plain truth should be told. These outlaws robbed citizens, stage coaches, banks, railroad trains, express companies and others. They killed citizens, bank cashiers, railroad conductors, laborers, detectives and officers. The band usually consisted of six men. At one time, when they went to Northfield, Minnesota, it numbered eight. During the fifteen years above named about twenty-two men belonged to it. Most of them died with their boots on. Several of them were killed by their own comrades. When one was killed a new recruit was put in his place.

These outlaws held the people of Missouri in absolute terror. It was thought to mean death to report on them. They had stopping places in Jackson, Clay, Ray, Lafayette, Johnson and elsewhere, but no man dared to say he had seen them. The wife of Tucker Bassham, who was placed in the penitentiary for train robbery in connection with the band at Glendale, Mo., told me that Jesse James said at her table that he would kill a woman

who informed on them just as quickly as he would a man. The following story was told Judge H. P. White by a Confederate soldier: "A bank had been robbed in Jackson County. A man who knew the perpetrators was summoned before the grand jury. He gave them all the facts and names. When being excused he said, 'Gentlemen, I have told the truth. I will never swear a lie,' and drawing a pistol, he said, 'the notches on this pistol give the number of men I have killed. My life is now in danger and I desire to say that if anybody is indicted each man on this grand jury can dig his grave.' No one was indicted."

The damage done to Missouri was incalculable. Missouri was regarded as their home, and the truth is, as a rule it was, and the people had to suffer the stigma of their deeds. The greatest injury was to the good name of the grand old Commonwealth and her people. Ninety-nine one hundredths of the citizens of our State disapproved of the crimes of these bandits, but all suffered the shame alike. Missourians as cultured and moral as any people in the Union did not have the standing in the nation which they deserved. Many regarded them as ruffians in sympathy with train robbery and murder—people who gave food and shelter to bandits. The *Globe-Democrat*, a great daily published at St. Louis, for more than a decade constantly referred to these robberies and homicides continually crying out, "Poor old Missouri." A newspaper up in Iowa suggested that Missouri be called the "Robber State." The press of the Union took it up and for more than ten years this appellation was applied to our blessed Commonwealth. I am not exaggerating one particle. Every man who lived in Missouri thirty years ago knows I am telling the exact truth.

The injury to the State from the standpoint of economics was almost as great as that to its good name. Capital did not come to the State as it should have come. Land in Missouri is now worth fully as much as similar land in Iowa. Then the Iowa land was worth twice as much, although Iowa was younger than Missouri. Homeseekers passed through Missouri and bought land in Kansas, paying double as much as they could have bought better land for in Missouri.

It was during this epoch in the history of our State, when the great body of law-abiding Southerners as well as Northerners became tired of outlawry and began to look for officers willing to aid in suppressing it, that I became a candidate for prosecuting attorney in 1880. It was the constant contention of the friends

of the James Boys that they did not commit these depredations; that they "were being lied on," and many of them were honest in their contention. When in 1876 the news came of the awful tragedy of the attempted bank robbery at Northfield, Minn., a splendid Christian lady who was my client and at whose home the outlaws often stopped, came to my office in Independence and said to me, "Well, I see they are lying on the boys again." She was astonished when I told her the pictures in the St. Louis dailies were the pictures of the boys, some of them her near relatives. She knew I knew some of their faces well. There were hundreds of splendid people who believed just as she did.

Before going farther I wish to say that I have not the slightest feeling of enmity for any one of the Missouri outlaws or any of their friends. For years I have numbered among their relatives and defenders some of my warmest friends. If any one of them entertains the slightest ill will toward me I do not know it. Without exception they are accustomed to say that I was under oath, that I fought them out in the open and at no time was ever guilty of the least unfairness or underhandedness. I wish to put in the record, too, what I can truthfully say in their favor.

Frank and Jesse James, though outlaws, had families, and I believe were true to them. I knew Frank James' wife before he married her. She is a splendid woman. They have a son, who, I believe, was a soldier beneath the Stars and Stripes in the Spanish war. I wish Frank James well and I have often told him so when I have met him since his trial at Gallatin. I met him at Dallas, Texas, after the trial at Gallatin. He said he would like it if he and I would speak to each other when we met. I told him I had tried my levelest to hang him but could not, and was willing to speak to him, and hoped he would make of himself a good citizen. Thirty long years have elapsed since the jury acquitted him, and I do not believe that during that time he has ever committed an unlawful act. Nor do I entertain the slightest hatred toward the momory of Jesse James. I have always denounced his assassination as one of the most cowardly and damnable deeds in all history. I did not know his wife, but from what I heard of her, I believed her to be a good and true woman. I know his son, Jesse James, Jr., a lawyer at the Kansas City Bar, very well, always speak to him and certainly wish him an honorable and successful career. I entertain the most kindly feeling for Coleman Younger. A short time before he was pardoned I wrote an earnest letter to the Governor of Minnesota

saying that I thought that after the lapse of 25 years the time for mercy had come and asking his release. I think Cole Younger has kept his pledge and conducted himself as a good citizen. I say this much of these men because justice and humanity suggest it.

By conducting investigations in grand juries I unsealed the mouths of witnesses, and by traveling thousands of miles I gathered every particle of the evidence against the outlaws except that of the Ford boys, and conducted the prosecutions in the courts. Their overthrow was complete. After a long, terrific fight the law which I represented was victorious, but I have never at any moment gloried over them and do not do so now. In what follows I shall simply state the plain truth without the least resentment.

But I must "tell the truth, the whole truth, and nothing but the truth." In its humble way this part of my book may become a portion of the history of Missouri at its most trying period—a time when its good name was far more intensely involved than during the Civil War—when it was misrepresented and vilified more outrageously than ever fell to the lot of any other State in the Union; when its people were held up throughout the nation, in fact throughout a good part of the world as the indorsers and protectors of robbery, murder and assassination. It was a time when Missouri was just as regularly called the "Robber State" as Massachusetts was referred to as "the Old Bay State," or New York as the "Empire State," or Kansas as the "Sunflower State." Under such circumstance I would be a coward and a traitor to Grand Old Missouri, at whose feet I have placed more flowers than any other man living or dead, if I did not tell the exact truth.

I should be careful to tell only the truth for another reason. As stated above, this will be the only account of the exploits of the James Boys published in a book founded upon the facts. A number of histories of the Missouri outlaws have been published, but they consist of about one-tenth fact and nine-tenths fiction and chivalry. They were written in an attempt to appeal to sectional prejudice or to charm those—particularly young boys—who admire deeds of blood and daring. There are now in the Public Library at Kansas City five histories of the Missouri outlaws. So far as I know, they have no parallel in either history or fiction. These books contain on an average about three hundred pages, and from all I can learn, they have been much read throughout Missouri, especially by young boys, and they have been considerably

read throughout the Union. These books paint the Missouri outlaws as outright demons in human form. By name, with their photographs inserted in these books, they describe them as shooting down railroad conductors, bank cashiers, officers of the law, farmers, persons against whom they had a grudge in gambling dens and detectives who pursued them. Cuts are inserted in these books showing how this or that member of the outlaw band, giving his name, shot down this or that citizen. In one picture of the Fair Grounds Robbery at Kansas City, a little child is being trampled under their horses, and in another a corpse of a woman represents one of their victims. The most astonishing characteristic of these books is that they paint these acts of these outlaws as chivalry. Another astonishing fact is that these acts of robbery, murder and assassination are justified on the ground that they were perpetrated by the bandits in just revenge for mistreatment which they or their relatives received at the hands of Northern men during the war. The facts as I shall state them will be kinder to these outlaws than their friends have been in the histories which they have written.

I desire just here to notice most specifically the charge made hundreds of times that the Southern people of Missouri endorsed the depredations of these outlaws and were opposed to their being overthrown. This is absolutely untrue. Especially has it been charged that the ex-Confederates of Missouri, as heretofore noted, endorsed the conduct of the James Boys. Precisely the opposite is true. During the long three years while the prosecutions were in progress I never knew or heard of but one ex-Confederate who was opposed to the overthrow of the Missouri outlaws, and after the fight was ended he told me more than once that I was right and he was wrong, and he died my devoted friend. As stated heretofore, the ex-Guerrillas in Jackson, Cass, Clay, Johnson and Lafayette were as a rule intensely in sympathy with the outlaws, but the ex-Confederates throughout the State outnumbered them probably one hundred to one, and were earnestly opposed to outlawry.

Another plain truth, never before told, so far as I know, should be emphasized here. The charge was so long and so persistently made that the Southern men of Missouri were protecting train robbery and murder that they seemed to think that it was their special duty to suppress these crimes, and they arose and destroyed the outlaw band. It will be seen farther on in my account that every solitary man who took his life in his own hands

in bringing about the overthrow of the James Boys was a Southerner, and most of them were ex-Confederates.

The usual defense of the outlaws, namely, that their robberies and homicides were committed in just revenge upon Northern men for mistreatment received by them or their relatives at the hands of these Northerners during the Civil War, or afterwards, is overwhelmed by the evidence. Every bank robbed by them during the fifteen years of their career, with possibly two exceptions, belonged to Southern men, and most of these banks were located in Missouri, some of them in Kentucky and Virginia. The truth is, too, that as a rule the persons killed in these bank robberies were Southerners. We had as well admit the truth—they robbed for money, not for revenge.

I desire to name just here some of the prominent ex-Confederates who were foremost in their opposition to the James Boys. I call to mind General Jno. S. Marmaduke, Maj. James F. Mister of Kansas City, Col. Hiram Bledsoe of Cass County, Capt. M. M. Langhorne, for four years with Gen. Shelby; Col. J. E. Payne of Independence, Major E. A. Hickman, who lost his arm in battle as an ex-Confederate; Judge R. E. Cowan, Judge Jno. W. Wofford and Judge Jas. B. Gantt, who so long adorned our Supreme Court. In introducing me to an audience once at Clinton, Mo., Judge Gantt, who was shot and crippled for life in the Confederate Army, limped to the front of the platform and, among other things, stated that I had done a work in assisting in the overthrow of the James Boys for which the people of Missouri would long remember me with gratitude. General Marmaduke, Judge R. E. Cowan, Judge Jno. W. Wofford and many others I could name frequently expressed themselves in just as earnest opposition to the outlaws. I beg also to state that, at the invitation of ex-Confederates, I have within the past few years delivered addresses at their district gatherings at Nevada in Vernon County, Auxvasse in Callaway County and at one of their State encampments at Fulton, Mo. At their invitation I have twice spoken at banquets given by the Daughters of the Confederacy.

I wish to say in passing that I am not charging the Northern men of Missouri with defaming the State, for, as a rule, they never did so. The defamation of Missouri has been confined almost exclusively to a portion of the metropolitan press, both inside and outside of the State. Nor am I complaining of Northern men that they did not overthrow the James Boys. The truth is, of course, they were opposed to the Missouri outlaws, but under

all the circumstances they seemed to think that the Southern men of Missouri ought to destroy the outlaw band, and these Southern men seemed to think so themselves. Besides this, Northern men, much as they were opposed to the James Band, could not have done much, for they didn't know the special friends and hiding places of its members and hence it was practically impossible for them to gather evidence or do effective work of any kind.

Before proceeding further I wish to give some of the principal robberies and homicides perpetrated by the Missouri outlaws, in order that the reader may form some idea of the magnitude of their depredations. The dates and places of these robberies and murders were taken from the public press as published at the time of their commission, and they were included in the list of Dick Liddil, a member of the James Boys' Band for many years, in his confession to the officers, which confession in full was published in the metropolitan press of Missouri shortly after it was made by Liddil. The principal robberies and the homicides connected with them are as follows. The amounts of money obtained on each occasion are variously estimated and cannot here be definitely stated.

PRINCIPAL ROBBERIES.

Liberty, Mo., bank robbery, February 14, 1866; Young Wymore, about 16 years of age, killed.

Lexington, Mo., bank robbery, October 30, 1866.

Savannah, Mo., bank robbery, attempted, and Judge McLain, cashier, wounded, March 2, 1867.

Richmond, Mo., bank robbery, May 23, 1867; Mayor Shaw, B. G. Griffin and son, citizens of Richmond, killed.

Russellville, Ky., bank robbery, March, 1868; Mr. Long, cashier, and Mr. Owens, a citizen, wounded.

Gallatin, Mo., bank robbery, December 7, 1869; John W. Sheets, cashier, killed.

Corydon, Ia., bank robbery, June 3, 1871.

Columbus, Ky., bank robbery, April 29, 1872; cashier killed.

Kansas City Fair robbery, September 26, 1872.

Ste. Genevieve, Mo., bank robbery, May, 1872.

Robbery Chicago, Rock Island and Pacific train in Adair County, Iowa, July 21, 1873; train derailed and engineer killed.

Gad's Hill, Mo., train robbery, February, 1874; express car and passengers robbed.

Muncie, Kas., train robbery, December 13, 1874.

Huntington, W. Va., bank robbery, September 1, 1875.

Missouri Pacific train robbery at Otterville, Mo., July 7, 1876.

Northfield, Minn., bank robbery, September 7, 1876; Heywood, cashier, and Gustavason, a fleeing Swede, killed.

OTHER ROBBERIES.

The following are some of the principal robberies by the band as reorganized by Jesse James after the attempted Northfield robbery in Minnesota:

Glendale train robbery in Jackson County, Missouri, on Chicago and Alton railroad, October 7, 1879. Dick Liddil and Tucker Bassham, both of whom were in this robbery, told me that it was committed by Jesse James, Ed Miller, Wood Hite, Bill Ryan, Dick Liddil and Tucker Basham. Frank James was not in the robbery.

Winston train robbery, on Chicago, Rock Island & Pacific railroad, July 5, 1881; Conductor Westfall and Frank McMillan, railroad laborer, killed. Dick Liddil and Clarence Hite, neither knowing that I had interviewed the other, agreed that this robbery was committed by Jesse and Frank James, Wood and Clarence Hite and Dick Liddil.

Blue Cut robbery in Jackson County, Missouri, on Chicago & Alton railroad, September 7th, 1881. Dick Liddil, Clarence Hite and Charley Ford agreed in separate interviews I had with them as to all the details of this robbery and stated that it was committed by Frank and Jesse James, Wood and Clarence Hite, Dick Liddil and Charley Ford.

Mussell Shoals, Ala., robbery, March. 1881.

As will be seen, these robberies and homicides extended over a period of about fifteen years, namely, from the Liberty, Mo., bank robbery, February 14, 1866, to the Blue Cut, Mo., train robbery, September 7, 1881. I now have in mind a number of other robberies committed by these outlaws, which Liddil says in his confession were committed, but the above list will be sufficient to convince the reader that the depredations of the James Boys have not been overdrawn. If the reader will glance back at the above list he will see that practically all of the bank robberies were committed in communities where virtually nobody but Southerners lived, and the fact is that fully ninety-nine one hundredths of the money stolen belonged to Southerners. And in nearly every in-

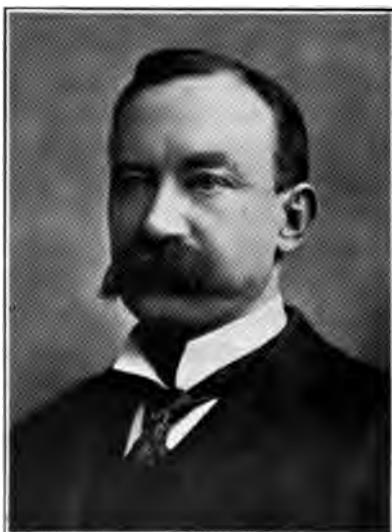
stance the bank officers were intense Southerners, and almost every person killed was a Southerner. I am sure this is true as to the banks robbed in Missouri, whether in the above list or not, and I am told it was true as to the robberies in Kentucky and Virginia.

I desire to say in addition to what was said a few lines farther back that General Jno. S. Marmaduke, an ex-Confederate, was nominated for Governor of Missouri immediately after the prosecution of the James Boys had ended, this being my last year as prosecuting attorney. The Marmaduke campaign was an intensely bitter one. The charge was made throughout the State that Marmaduke himself and his supporters and the Democratic party had been in sympathy with outlawry in Missouri. At this juncture I met General Marmaduke on the streets in St. Louis when I was about to go to Indiana, under the auspices of the national committee, to make speeches for the Democratic party. General Marmaduke besought me not to go to Indiana. He said I would be astonished if I would go up to the headquarters of the State committee in St. Louis and read the communications from over the State. He said that he was really afraid they might beat him on the ground that he and the party had been in sympathy with outlawry in Missouri. He said he was just about to start on a speaking tour throughout the State, and urged me to go along with him. He said that after fighting the outlaws for three years I was the one man to defend him and the Democratic party against the charge. I gave up my trip to Indiana and went with him throughout the State. I ought to state also that the Democratic State Central Committee, by a resolution passed, also earnestly urged me to canvass the State of Missouri, refuting the charge that the Democratic party was in sympathy with outlawry. I went with General Marmaduke over the State, speaking to immense audiences. He denied emphatically that he had ever been in sympathy with outlawry. He stated expressly that the Missouri outlaws ought to have been overthrown. I defended General Marmaduke and the Democratic party everywhere throughout the State. The Democratic State committee asked me to make a speech especially denying this charge and giving the proof at St. Louis, Mo. I did so before an immense audience, my speech being taken down, published in the St. Louis *Republic* and circulated throughout the State. The truth is, General Marmaduke was elected by the voters of Missouri upon his public declarations that he was and always had been opposed to the Missouri outlaws, and that



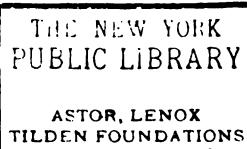
JOHN S. MARMADUKE,

Ex-Confederate General, elected Governor of Missouri on the Democratic ticket, expressly declaring that neither he nor the ex-Confederates of Missouri were, or ever had been, in sympathy with the Missouri outlaws and that the James Band ought to have been overthrown.



H. H. CRAIG,

Kansas City Police Commissioner. Southerner, Kentuckian. Led in numbers of raids in pursuit of the James Boys; arrested Clarence Hite, one of the band, in Kentucky and brought him to Missouri where he was placed in the penitentiary for twenty-five years.



they ought to have been destroyed. I believe in this he had the backing and earnest support of every ex-Confederate in the State of Missouri.

I come now to my race in 1880 for the prosecuting attorneyship of Jackson County, including Kansas City. As stated, law-abiding citizens, whether Southerners or Northerners, had become exceedingly tired of outlawry. They were demanding that officers be elected pledged to endeavor to suppress it. The friends of the outlaws—and they were thick in the country portion of Jackson County—were protesting the innocence of the James boys, and ready to intensely oppose any man who said aught against them. No man, Democrat or Republican, so far as I can learn, had ever said anything against them by name on the stump in any campaign during their career of fifteen years. With a family to care for, I would not now do what I did then for a deed to the State of Missouri. I made my campaign alone on horseback throughout the country part of the county, speaking in storerooms or country churches or school houses, usually at night. I charged specifically and by name that Jesse James, Frank James, Ed Miller, Dick Liddil, William Ryan and another man, whose name I did not know, were the men who were committing the train robberies, bank robberies and murders throughout the State. I had been raised in Jackson County, had practiced law for five years at Independence, and was sure of the accuracy of my declarations. My foolhardiness—for such, indeed, it was—occasioned astonishment, and intense excitement. Some of the friends of the outlaws knew that my list was correct. Others honestly believed I was charging innocent men with crime, and the feeling for and against me was at fever heat. Word was sent me that I would not be permitted to speak at some of the places advertised, but I went and spoke, and repeated my charge. I remember that a man, who said he had killed two men and whose name I need not give—he is dead—accosted me on the streets of Independence in a towering rage because I had charged publicly and by name that his nephew was a member of the James Band and a train robber. I repeated my charge to him, and told him I would show him. In less than a year afterward his nephew gave himself up to the officers and confessed his guilt. The race for prosecuting attorney attracted more attention in Jackson County than that of governor or president. I fought it through as best I could, and was elected.

TRIAL OF THE FIRST TRAIN ROBBER IN MISSOURI.

I took the oath of office in January, 1881. In a few months thereafter a man, splendidly dressed and riding an elegant steed, rode up and hitched in a village a few miles north of Nashville, Tenn. Nobody knew him. He began to eat oysters and drink liquor, became partly intoxicated, and raised a disturbance. When the officers came to arrest him he threw his hands back to his pistols crying, "Stand back! Stand back! I am a desperado and an outlaw, and my name is Tom Hill." But a brave Tennesseean, named Earthman, rushed right up and clasped his arms around his body so that he could not draw his pistols. When he was searched it was found that he had next to his person a buckskin vest containing over \$1,000 in gold coin (afterwards found to be money obtained at what was known as the Mussell Shoals robbery by the James Boys, near Mussell Shoals, Ala.). He was placed in jail at Nashville.

The chief of police at Nashville, believing him to be a noted criminal, telegraphed a description of him to the various chiefs in the large cities of the Union. One came to Chief Speers at Kansas City. It was shown to W. G. Keshlaer, a deputy marshal of Jackson County, one of whose brothers was killed in the Confederate Army. Keshlaer thought it was a description of Bill Ryan, one of the James Boys, but Speers, who had seen Bill Ryan a few times, did not think so. I had known Ryan well at Independence before he became an outlaw, and I went at once to police headquarters to see the description. I was sure it was Ryan. We telegraphed the chief at Nashville to hold his man, and obtained a photograph of Ryan and mailed it to the Nashville chief. He wired at once that it was Ryan. I obtained a requisition from the Governor of Missouri, which was honored by the Governor of Tennessee, and W. G. Keshlaer brought Ryan to Independence, Mo., and lodged him in jail.

It should be stated here that at the time of his arrest, Ryan was living in Nashville with Jesse James, Frank James and Dick Liddil. Ryan passed under the alias of "Tom Hill"; Jesse James, under that of "J. B. Howard"; Frank James, under that of "B. J. Woodson," and Dick Liddil, under that of "Charles Underwood." The two Jameses, after the terrible disaster at Northfield, had spent a good part of their time there for a few years, and were

known to a good many people, but no one realized who they were. Upon Ryan's arrest they all fled, going up into Kentucky to the home of old man Hite, the uncle of the Jameses.

With Ryan in the custody of the law, I was now confronted with what almost everyone said was an impossible task, namely, that of convicting one of the James Boys. It was argued that no Missouri jury would have the courage to convict even if convinced of his guilt. And then, it was said the witnesses would not dare to testify against him. Ryan was under indictment for complicity in the Glendale train robbery, committed on the Chicago and Alton railroad at Glendale in Jackson County, Missouri, October 7, 1879. This station acquired such an odious reputation throughout the United States on account of this robbery that the railroad managers said it was hurting their business, passengers, from fear, not desiring to pass that station. On this account its name was changed from Glendale to Selsa, its present name. Tucker Bassham and Dick Liddil, members of the band, who became State's witnesses, as hereinafter related, say that this robbery was perpetrated by Jesse James, Ed Miller, Dick Liddil, Bill Ryan, Wood Hite and Tucker Bassham. Liddil says that this was the band as reorganized by Jesse James after the terrible disaster at the attempted bank robbery at Northfield, Minn., where only two out of the eight members escaped. Liddil says in his confession to the officers that the two who escaped were Frank and Jesse James. Tucker Bassham was a raw recruit. The members of the band called him "Old Texas," and after he was placed in the penitentiary his place was filled by Clarence Hite of Kentucky, brother of Wood Hite and cousin of Jesse and Frank James. I am willing to do Frank James justice wherever I can, for he has demeaned himself well for over thirty years. He was not in the Glendale robbery. Liddil, in his confession, says Frank was not a member of the band at the time, and only joined it again after they fled from Nashville and just before the train robbery at Winston in Daviess County and the Blue Cut robbery in Jackson County, both of these robberies being in 1881.

As soon as Ryan was lodged in jail at Independence I went to work to prepare for the trial, first looking up thoroughly the evidence in what was known as the "Cracker Neck" neighborhood, bordering upon Glendale. I then went to Nashville and interviewed Earthman, to whom I referred a few lines back, and a number of other Tennessee witnesses. I then requested the Chicago and Alton officials to have the men in charge of the train

at Glendale at the time of the robbery at the trial, but, to my astonishment, such was the terror in which the outlaws were held, that the managers of the road refused. They said it was no use; that no man could convict one of the James Boys in Missouri, and that if they tried to help me it would simply make the outlaws mad, and they would rob their trains more than ever, and probably shoot down their conductors and engineers. They finally, upon my repeated insistence, agreed to send them, but when they came and saw the jam of the friends of the outlaws at Independence they all backed out, saying they could identify nobody, and I did not place any of them on the stand.

The case was forced to trial at Independence, Mo., about five months after the arrest of Ryan. It was beyond doubt the most thrilling contest ever had in any court in Missouri or in the West. After fifteen years of unchecked robbery and bloodshed it was the test case between the law and the bandit. Many of my friends advised me to dismiss the case and let it go. They said it was worth a man's life to conduct the prosecution, and in the end would only result in an acquittal. But it seemed to me that I had rather be shot than to show the white feather then. The defendant was apparently provided with abundant means. He had eminent counsel—R. L. Yeager, an ex-prosecuting attorney of Jackson County; Blake L. Woodson, an experienced criminal lawyer, and B. J. Franklin, an ex-Congressman, appearing for him. Col. Jno. N. Southern, an ex-Confederate, with a thigh broken by a bullet in the Civil War, and myself appeared for the State. The court room during the long trial was crowded with the friends of the James Boys, armed and ready for any outbreak. It was warm weather, and many of them slept in the court house yard in order to obtain seats early in the morning. Many law-abiding citizens could not get in. Jesse James and his men were close-by during the trial, and it was rumored that plans were being considered for the rescue of Ryan. Every night skyrockets were sent up out in the woods near Independence, said to be a signal to Ryan that his comrades were not very far away. Dick Liddil, who was then with the outlaws, told me after he gave himself up that they were secreted near Independence and that a rescue of Ryan was discussed, but abandoned when they heard that Capt. M. M. Langhorne, an ex-Confederate—said to be one of the coolest, gamest men in Shelby's brigade—had charge of his safe keeping not only in the court room, but was conducting him personally from the jail to the court house.

My evidence against Ryan was not lengthy. There were the Tennessee witnesses who told of the alias which he had adopted and of the circumstances attending his arrest and the money found on his person. The principal Missouri witnesses were an ex-Confederate named Hickman and a young farmer named Miller, who testified that on the night of the robbery several men on horseback, coming from the direction of Glendale, passed his house and that he recognized the voice of Ryan, whom he had known from boyhood. The express messenger, Grimes, testified that a large man—Liddil says Jesse James—struck him over the head with a revolver, rendering him unconscious, and that \$9,400 disappeared from his safe. Col. Treat, the express company's representative at Kansas City, testified that the money was in the safe when the train left Kansas City. As stated above, none of the railroad men testified. I remember that the engineer, a splendid looking man, about middle age, besought me in the court house yard to let him off, frequently cautioning me not to talk so loud to him; that we were liable to be shot at any moment; that he could not identify anybody. When I told him he could go he actually went off in a trot.

My principal witness was Tucker Bassham, a raw recruit pressed into service for that one robbery, and who had plead guilty without trial and was then in the penitentiary. I asked Governor Crittenden to pardon him in order to convict a regular member of the band—Bill Ryan, next in boldness to Jesse James. A pardon was issued. Amazon Hays, a deputy marshal of Jackson County, brother of the celebrated Confederate, Col. Upton Hays, brought Bassham from the penitentiary at Jefferson City to Independence. I was compelled to have Hays guard Bassham throughout the trial. He slept in an adjoining room to Bassham at night in order to protect him from the rage of the friends of the outlaws. When they heard he would testify they set fire to his house out in the "Cracker Neck" neighborhood, and his wife and children fled to Independence for safety. The old oak floor of the house would not burn, and his household goods were piled up in the yard, set fire to and burned. Just before Bassham was sworn I handed him the pardon of the Governor in the presence of the jury, telling them that it had been issued upon the express promise of Bassham to become a witness in the case and to tell the whole truth and, as was usual in such cases, he was to go free.

During the trial Col. Southern and myself received an anonymous letter, which we were sure, upon reliable information,

came from Ryan's comrades, telling us if we did not desist our lives would be in danger, but I thought it was my duty to go ahead, and I did so. I opened and closed the case, leaving Colonel Southern ample time for his splendid argument between my speeches. I put my whole soul into an effort in the closing argument to inspire the jury with courage to convict, for I was afraid that some of them, knowing the danger of a vote to convict, might falter. I beg pardon for being specific, but I have always regarded this as the supreme hour in my practice as a lawyer.

Ryan was convicted and given twenty-five years in the penitentiary. As I remember now a majority of the jury were Southern men. I distinctly recall that Wm. Moore, a prominent citizen and ex-Confederate of Independence, Mo., was on the jury. A motion for a new trial was filed in the case. The principal reason given was that Governor Crittenden had shipped arms to Independence during the trial and over-awed the jury. The Governor, owing to the intense excitement and threats of violence at Independence, had on his own motion sent two large boxes of rifles to Independence, but they were never opened. The jury were confined during the trial, and I obtained a statement from each of them afterward that they never heard of the rifles until the jury had been discharged. The air was full of threats of assassination, especially against the witness Bassham and myself. He said he had been assured that he and I were on the death list, and he plead with me to leave the country with him, but I declined. I took him to a photographer and had his picture taken, thinking that I might need him and wish to hunt him up in case some of the other members of the band were caught. The friends of the bandits were coming into Independence at night and galloping their horses up and down in front of the place where he lived, out in the suburbs, and making threats to take his life. He took to his heels, and I have never heard of his since. I needed the affidavit of some well known citizen of Independence on the motion for a new trial, to the effect that there was no sort of intimidation exercised by citizens toward the jury, and it was thought I would have trouble in finding a private citizen with sufficient courage to make it. But I knew in what crowd to look for my man. I accosted Col. J. E. Payne, an ex-Confederate soldier, and without a moment's hesitation he went into open court with me and signed the affidavit. I wish it understood as I proceed that I am not trying to give ex-Confederates undue

credit for the overthrow of the James Boys. I am simply showing by the facts that they were intensely opposed to these bandits and that all reports to the contrary are absolutely false. Ryan went to the penitentiary, where he served seven years, being finally pardoned by Governor Morehouse on the ground that he had consumption.

The conviction of Ryan broke the backbone of the James band. A jury had done what it was supposed no Missouri jury would ever dare to do. Courage sprang up in hundreds of breasts. Mouths of witnesses began to be opened. Squads of men, headed by Capt. M. M. Langhorne, Whig Keshlaer or Amazon Hays or Cornelius Murphy or Police Commissioner H. H. Craig or Sheriff Timberlake of Clay County, all Southerners, several of them, including Timberlake, ex-Confederates, began to scour the country in search of the James boys. Jesse James thought the end was coming. He began to be suspicious of his own men. Liddil says his suspicions first rested upon him, and he fled from the band. This assured Jesse James that something was wrong and that Liddil was about to inform on them as Bassham had done. Liddil says Jesse swore he would kill him, and told Wood Hite to kill him if he saw him. One night Dick Liddil and Wood Hite, each without the knowledge of the other, came to the Ford house, a rendezvous for Jesse and Frank James and their men on the old Harbison farm near Richmond in Ray County, Missouri, and slept in different rooms. The next morning as Wood Hite was reaching the bottom of the stairway, on his way to breakfast, Bob Ford and Dick Liddil opened fire on him, shooting him to death. They stripped him of most of his clothing, wrapped his corpse in an old horse blanket and threw it into a well on the old Harbison farm, where it was discovered and identified by the Ford family at a coroner's inquest. Mattie Collins told me afterwards that she saw Bob Ford a few days after that in Kansas City wearing Wood Hite's coat without even having washed the blood off. To give an idea what sort of character the Hites were I will state that Mrs. Hite, the second wife of old man Hite, and who was a witness in the case against Frank James, told me that Wood at one time killed a negro who stayed at old man Hite's. She said the negro laid in the hog lot several days. She finally told Wood that the hogs were eating the negro. Wood, with an oath, said, let them eat him, he did not propose to remove him.

Returning to the facts with reference to Liddil, I will say that he was now in a most precarious situation. Langhorne,

Craig and others were close upon his track in Jackson County, and Jesse James, as he believed, was hunting him to kill him. In this predicament Liddil sent Mattie Collins, a friend of his, whom Maj. Warner, Jno. W. Beebe and myself had defended on a charge of killing her brother-in-law, Jonathan Dark, to W. G. Keshlaer, stating that she wished to see me. When I saw her she said Liddil had sent her to say to me that he had been with the James boys for years, and that if I would make of him a State's witness, treating him as I did Bassham, he would give himself up and tell everything. Of course this was just what the State wanted, for the crimes of the James boys were attended with such profound secrecy that it was impossible to prove them guilty of these crimes without adopting the principle of law permitting an accomplice to testify. I told her to tell Liddil that if he would come in and tell the whole truth I would give him the benefit of the provisions of the law in such cases and see that he was not prosecuted in Jackson County, but that I could only protect him as to Jackson County, and that as he doubtless committed crimes in other parts of the State he had better apply to the Governor, who could protect him as a State's witness throughout the whole State. Craig, Langhorne, Murphy and others pursued Liddil so closely in Jackson County, however, that he fled to Ray County and sent Mrs. Martha Bolton, a sister of Bob and Charlie Ford, to Governor Crittenden. Mrs. Bolton was the "veiled woman" who visited the Governor and who was so much written about by the papers throughout the United States. The Governor directed that Liddil give himself up to Sheriff Timberlake of Clay County. A short time afterwards Jesse James was assassinated by Bob and Charlie Ford at St. Joseph, Mo. It was one of the most cowardly and diabolical deeds in history. Jesse James was a wonderfully lawless, blood-thirsty man, but that gave the Ford boys no right to assassinate him.

I had at the time above referred to a most remarkable case, which I can relate in a few words, and which has always been very interesting to lawyers who heard about it. It was while I was trying a case at Independence, Mo., against one of six young fellows charged with complicity with the James Boys in robbing a C. & A. train at Blue Cut, Mo., that the daily papers announced the killing of Jesse James at St. Joseph by Bob and Charlie Ford. Mainly by reason of the perjury of a witness named John Land the defendant would certainly have been convicted, when the conviction of the other four would have followed. Just before the robbery six young men living in the neighborhood of Blue Cut,

and emulating the James boys, had come to Kansas City and bought large old-fashioned cap six-shooters. They had been known to meet several nights at a school house, and had been seen with the pistols on, peering into the express car as the train stopped at Glendale, a short distance from Blue Cut. In a few nights the train was robbed at Blue Cut. Being informed of the above facts the officers went out and arrested the boys and lodged them in jail. I put a detective named Gorham in the cell with John Land, one of these young fellows, in order, if he was guilty, to get a confession out of him, and thinking that possibly I might get some evidence against the James boys, who were still at large. But Gorham took the newspapers giving the accounts of passengers of the robbery—for in this instance the passengers were robbed—and drilled Land, as it turned out afterwards, into committing about the smoothest story of perjury ever concocted. It was so adroitly manufactured and so well told that the experienced criminal lawyer, who was defending the young fellow then on trial failed to shake Land in the slightest particular. But I was suspicious of his story, so when the papers announced that Craig and Timberlake had Liddil, whom I had never seen, in charge, I asked Judge H. P. White, the trial judge, to postpone the case a few days until I could investigate a little, my request being granted. I asked Mr. Craig to let me see Liddil, whom I had never before seen, who gave a detailed account of the Blue Cut robbery, and said they undoubtedly would never have taken those six raw youngsters into a robbery with them. Liddil said Charlie Ford, whom I had never seen, and, in fact, never heard of until Jesse James was killed, was in the robbery. I went to St. Joseph and interviewed Charlie Ford, who told exactly the same story. I had already been to Jefferson City and interviewed Clarence Hite, brought by H. H. Craig from Kentucky and placed in the penitentiary. Hite told me he was in the robbery and gave precisely the facts related by Liddil and Ford, telling all that each man did and stating that these boys were not in the robbery. But I thought likely he was trying to protect these young fellows, but here were now three men, each not knowing I had talked with the others, telling precisely the same story as to all the details of the robbery, as to what each man did, and all asserting that the boys who had been seen with the big pistols were not in the robbery. I went into open court in the presence of judge and jury, and told about my employing the detective and the facts as related by Liddil, Ford and Hite, and dismissed the case against John Bugler, the young

fellow, as above stated, who was then on trial. The Court said he did not interfere with me, and the case could be dismissed, but he told the defendant, John Bugler, that he believed he was guilty, and lectured him most terribly, telling him that if he were in his place he would be ashamed to live longer in Jackson County, and that he would leave for unknown parts. One of the jurors, Wm. R. Bernard, a man of splendid intelligence, said to me after they left the jury box that the defendant was beyond all question guilty and that I had made the mistake of my life. I told him that I knew he was conscientious and that I knew I was in a tight place, for public clamor was after the boys, but I was convinced those boys were innocent and I could do nothing else as a sworn officer but dismiss the case. I said to a newspaper reporter then in the court room, "go down to the jail and tell the witness, John Land, that I have dismissed the case against John Bugler on the ground that he, Land, committed perjury on the stand and that Bugler was innocent." The reporter came back in a short time saying that Land confessed to him that his story was false from beginning to end and that neither he nor the boys were in the robbery. I dismissed the cases against all of the boys. I could easily have convicted all of them. If there is a more remarkable false evidence case in the books I have never seen it. Land had burglarized the stable of a neighbor and stolen a saddle. I sent him to the penitentiary for this, largely as a punishment for his perjury in the Bugler case, and told him so.

Memory calls up now a circumstance which shows the lengths to which men will sometimes go under excitement. Two train robberies, the one at Blue Cut and the one at Winston, in which two men were killed, had been committed in the summer of 1881 while Ryan was in jail. It looked as though the bandits were defying the law as never before because the law was daring to imprison one of their number. Just after the Ryan trial a man who had formerly been a deputy sheriff in Jackson County came to me and said that he had been sent to me by some good citizens to get a list of men in Jackson County who harbored the James boys. I asked him what they wanted with it. He said they wanted it for a "certain purpose," but would not tell me exactly what. He said those who sent him said I was the only man who could give a list which they would feel sure was accurate. I suspected something, and refused to give the list. A few days after a prominent railroad employee came up from St. Louis to see me. He asked if the man above referred to had asked for the list. I told

him he had. He then asked me for the list himself, and I declined to give it. He said he had as well tell me why they wanted the list. He said they had determined to put an ever-lasting end to train robbery in Missouri by making it impossible in the future for the James boys to find anyone who would be willing to harbor them. He said the plan was to make up a train of box cars in St. Louis, place in it men and guns and horses and saddles and bridles. He said the train would stop at Little Blue in Jackson County on the Missouri Pacific just after dark. Then the men were to unload the horses and mount them and go in squads and put to death every man whose name appeared on my list. I told him I certainly disapproved of any such plan, and refused to furnish the list. The plan was abandoned. If carried out it would have been as bad as "Order No. 11," and based upon the same merciless logic.

But to return to my narrative and look at the situation a few months after Ryan was convicted. The following was now the situation with reference to the six members of the band as given by Dick Liddil. Liddil himself had surrendered. Charlie Ford, who was never in but one robbery according to Liddil, had also come in. Liddil said Bob had never belonged to the band, although he became acquainted with the members of the band at the Ford farm. Jesse James, Wood Hite and Ed. Miller had been killed by their own comrades. Bill Ryan and Clarence Hite were in the penitentiary. The band was overthrown. Only Frank James was yet an outlaw, and he had a \$10,000 reward offered by the Governor hanging over his head.

At this juncture two ladies came to my office one day. One of them was a large old lady with an empty sleeve—the only one-armed lady I ever saw. I had never seen her before. The face of the other lady was hidden by a thick veil. The older lady said they wished to see me in my private office. When the door was closed the lady with the veil removed it and asked me if I knew her. I told her it had been a good many years since I saw her, but I certainly did; that she was Annie Ralston, who I now understood was Frank James's wife. She said I was correct. She said she had come to propose to have Frank, her husband, surrender to me; that they were very much afraid he would be killed for the reward while in the act of giving himself up. She said they were satisfied I had nothing to do with the killing of Jesse James and they were willing to have Frank surrender to me, believing I would protect him. I remember my words to her at

the time. I said, "Mrs. James, if your husband surrenders to me, if he is harmed it will be over my dead body." I told her, however, that I did not believe she ought to refuse to trust the other officers; that I did not believe that any officer had caused the death of Jesse James; that I believed that the Fords out of their own wickedness, and in order to get the reward, had killed Jesse James of their own motion. She said Frank was living in perfect torment; that with a \$10,000 reward on his head "he could not even cut a stick of wood without looking around to see whether or not some one was slipping up behind him to kill him." She wanted to know what the terms of surrender would be. I told her I would have to consult the Governor as I could only agree as to offenses committed in Jackson County. I immediately telegraphed the Governor, who telegraphed back that he would let me name the terms. It was the nearest I have ever came to being governor. I sent word to Mrs. James that the State could not agree that her husband could go absolutely free, but if he would give himself up and end the whole matter the State would be satisfied with a short term in the penitentiary. In a day or two the reply came that my proposal would not be accepted.

In a short time I received a telegram from the Governor stating that Frank James had given himself up to him, and that he was sending him to Independence to be delivered into my custody. I met Frank James at Independence and turned him over to the county marshal, Cornelius Murphy, the proper custodian. A great crowd had assembled at Independence to see Frank James. His friends from Jackson and other counties were there in great numbers. The question of bail at once came up. It was said that James had friends there worth over a million dollars ready to go on his bail, and I think this was true. But the indictment against him at Independence, written by a prosecutor ahead of me, was for murder in the first degree, which, under our law, is not bailable without a showing. When I was asked to consent to bail I replied, as of course I was compelled to do, that I was under oath and could not agree to bail without a showing. Of course they could not make such a showing as Frank denied that he knew anything about the crime with which he was charged. Major John N. Edwards, a talented newspaper editor—known from his style as the "Victor Hugo" of the West—and a great friend of Frank James, asked me to one side in the Merchants Hotel at Independence, and said if I would consent to Frank James's being admitted to bail it would make me the most popular man in the

State; it would make me governor, and he would be glad to do all he could to bring this about. I remember my exact reply to him to this day. I said, "Major, I would like to be governor, but I am on oath, and it comes too high."

I did not write the indictment against Frank James above referred to, and I am not absolutely positive now what particular person he was charged with killing. I believe this is the only instance in which memory has failed me since I began to relate the facts. In changing the records from one room to another at Independence it seems the indictment has been lost, and after a search the clerk and myself can not find it. But as I now recall, it was for the killing of J. W. Whicher, a Pinkerton detective from Chicago. Whicher, it was said, went to a banker in Liberty, Mo., supposing all bankers to be against the Jameses, and asked the way to the James' or Samuels' farm; said he was going there to hire as a farmhand and arrange for their capture. The banker reported his coming. As soon as he arrived he was tied, gagged, put on a horse, his feet tied together under the horse and conducted across the Missouri River on a ferry boat, and when within about two miles of Independence shot and left lying in the road. The body was brought to Independence. I was then a newspaper reporter, and wrote up the matter. I remember the dead man had a tender complexion and hands like a city fellow's, but was dressed much like a farmer. I pulled up the blue flannel shirt above his wrist and saw "J. W. W." in indigo ink on his arm. Of course there was no suggestion then as to who killed him, and I thought nothing about its having been done by the James band. The above account of the killing was given me by Liddil as he learned it from the band, as the deed was done before he joined the band. He said Jesse James told him the facts. He said Frank never admitted to him or to any one else, so far as he knew, that he, Frank, had ever committed any offense, and he only knew as to the deeds committed by Frank when he, Liddil, was along with him. I now recall distinctly that as prosecuting attorney, I investigated as to the killing of the Pinkerton man and his having been brought across the river gagged, with his feet tied together under the horse as above related. I summoned the ferryman who remembered that two men crossed a man on his boat one night gagged and tied as above indicated, but he said he did not recognize the two men. In other words, I found upon thorough investigation that I had no sufficient proof, and Frank was taken to Gallatin for trial.

About this time there was a Democratic convention to nominate county officers, including prosecuting attorney. The friends of the Jameses and the lawless classes in Kansas City were opposing me most vehemently, but I made no effort to be nominated, and asked no one to support me. I stayed in court at Kansas City trying cases until the day the convention met at Independence, which I attended, simply saying that they could do as they pleased about nominating me; that I stood on my record. When nominations for prosecuting attorney were called for, there were outcries against me. I went forward to the platform and withdrew from the contest, stating that I did not wish the nomination as there seemed to be opposition to me. The other candidates then made their pleas for the nomination, and the voting began. As ward after ward in Kansas City and township after township out in the country was called they voted for me until I had almost every vote in the convention, and when it was moved to make it unanimous one delegate cried out, "No." I went forward and began to make a speech, declining, when friends rushed to me and insisted that it was my duty to accept and finish the work I had commenced as prosecutor. I sat down and was declared the nominee.

The friends of Frank James came to me, wanting to know whether I intended to prosecute or let him go. I told them it would be my duty to prosecute him to the full extent of my ability. Then the storm commenced. I had, if anything, a hotter time than I had had two years before. A committee of Frank James' friends, ex-Guerrillas, followed me all over the county in my canvass. I did not know for what, but I supposed in an effort to intimidate me. I recall a meeting one night at Independence. The court room was packed. While I was pleading for the good name of the State and denouncing outlawry, as I did everywhere, a friend of Frank James, an ex-Guerrilla, said to be a dead shot, arose and interrupted me. I supposed it meant a pre-concerted plan to intimidate me, and I fired into him with all the vehemence at my command. He came back at me vehemently, but I had the advantage of having the floor. By this time the crowd was standing in their seats yelling furiously. The chairman, a two hundred and twenty-five pound banker, slipped up to me and said, "For God's sake let up. There will be blood shed here in less than a minute." I told him that if he was afraid he could leave; that I believed I could take care of that crowd without a chairman. A few seconds afterwards I looked around to where he

had been sitting as chairman and he was gone. He had slipped out of a side door, and I was both speaker and chairman. Some one in the back end of the court room cried, "Take him out." I said, "There is another coward and friend of train robbers," and dared him to come forward and try it on. After a while quiet was restored, and I finished my speech. The next morning a prominent physician, and a regular ex-Confederate, Dr. Jackson, came smiling to me on the street and said, "That was a terrible tongue lashing you gave me last night." I replied that I certainly had not done so. He said, "Yes, you did"; that he was the fellow that hallooed, "Take him out," but he did not mean to take me out but the man who was interrupting me. I finished my race and was re-elected.

I began now to prepare for the Frank James trial, which commenced in August, 1883, at Gallatin, Daviess County, Missouri. He was charged with murder in the first degree in the killing of Frank McMillan, while engaged in a train robbery at Winston, Mo., on July 5, 1881. I will not encumber this account by detailing the evidence. All of the evidence on both sides is correctly given in my Frank James speech published in this book, which, as we lawyers say, I beg leave to introduce and have considered as "Exhibit A." I traveled thousands of miles in collecting the evidence for the State. The State, in my judgment, had an overwhelming case—more than twice as strong as the case against Bill Ryan. There are just a few outside circumstances which ought briefly to be stated.

As the trial came on I was sitting at Gallatin in front of the office of Mr. Hamilton, the prosecuting attorney of Daviess County. I noticed the sheriff, who was summoning the jury, standing in the courthouse yard. The town was full of people. He would pull a paper out of his pocket, look at it and then go across the street and accost some man standing on the sidewalk, and then come back into the courthouse yard, take the paper out of his pocket and go through the same performance. I went over to where he was. I told him I was satisfied we were going to have a packed jury. He wanted to know why. I told him I had been watching him; that he had a list of jurors in his pocket which had been prepared before hand. He said he was getting a good jury. I reminded him that he had promised me to go out into the county and get a good honest jury. He said he intended to get a good jury without going to the country. I went back and told Mr. Hamilton, the prosecuting attorney, a courageous, splendid young fellow, what had occurred. He and I agreed to join

in an affidavit alleging improper conduct on the part of Crozier, the sheriff, the man above referred to, and asking that he be deposed by the court and the coroner, a gentleman named Claggett, be directed to summons the jury as the law provided in such cases. This was strenuously objected to by others interested in the prosecution. They said the coroner was an ex-Confederate soldier and it would never do to have an ex-Confederate select the jury. I did not know Mr. Claggett, and I said, "Is he honest?" They replied that he was; that he was quiet and honest, and they did not know that he had ever expressed an opinion, but that he was an ex-Confederate. I told them that I had been in the fight against the James boys for nearly three years and that the ex-Confederates had been in the van for the overthrow of the James boys from the very start. I said, let's have the ex-Confederate. The town was packed with the friends of Frank James from many parts of the country. The news spread as to what Hamilton and I intended to do, and they were perfectly furious. They had no idea of permitting an ex-Confederate to select a jury to try Frank James if by any means they could prevent it. The excitement was intense. The air was full of threats of violence. The judge, hearing of the situation, came over to Hamilton's office and wanted to know if Hamilton and I intended to swear Sheriff Crozier off. He said if we did there would certainly be blood shed. We told him there was nothing else to do; that justice was being cheated. The judge then said, "Gentlemen, I am not in the habit of announcing my decisions beforehand, but if you file such a motion I will certainly overrule it in order to prevent bloodshed."

I went down to my hotel; packed my grip; brought it up to Hamilton's office, and told my associates that I was going home. They said that I had been in the fight and knew all the evidence while they did not, and it would be improper to desert them and leave them to conduct a case which they did not understand. I told them that if they put it on that ground I would stay, but they must bear in mind that we would simply try Frank James before the world; that the verdict of the jury, being selected, was already written.

I ought to add that there probably never was a trial where there was so much talk about "honor," "duels," "shooting on sight" and so forth as in this one, and I seemed to be the hapless victim of all the intended vengeance, although I had never done anything except to look up the law and the evidence and push the prosecution. One chivalric gentleman, against whom I had

never spoken an unkind word, wrote out a challenge inviting me to the "field of honor," and handed it to his second, but upon being told by a gentleman in the room that he had heard me say that if I was challenged I would have the challenger arrested under the statute; called his second back and tore it up. I had said that I thought it took more courage to decline or ignore a challenge than to accept one, and I think so yet. Another distinguished gentleman, whom I had never harmed and against whom I had never uttered a word, challenged me to the deadly field, and published his challenge in the paper of Dr. Morrison Mumford, the Kansas City Times, but I was out of Kansas City at the time, and before I heard of it Dick Liddil accepted it, but the challenger refused to fight Liddil on the ground that "he was no gentleman." The trial of Frank James was a long one, and to get a little fresh air to help me bear the tremendous strain of the contest I was accustomed to take a horseback ride out in the country by myself after the adjournment of court in the evening. Just as I was starting one evening Dr. Black, a prominent citizen of Gallatin, came up and told me that not two minutes before he had heard a noted shooter say he intended to kill me on sight, and Black begged me to put up my horse and go to my room in the hotel. I told him they were trying to scare me out of town, but, even if they were in earnest, the surest plan for me to get shot was to begin to run. I took my ride that evening, and continued to take it until the case ended. The reader must not think I am making any special claim to courage. I may have been scared into reasonable boldness, thinking this was the safest plan.

Frank James was acquitted. I had him brought back to Kansas City, intending to try him on an indictment for robbing a C. & A. train at Blue Cut in Jackson County, September 7, 1881. It would have been impossible for Frank James to have escaped on this indictment, for I had fully as strong a case as for the Winston robbery, for which he was tried at Gallatin, and Cornelius Murphy, who summoned the jury that convicted Bill Ryan, was still in office and would have summoned a jury to try Frank James. M. M. Langhorne, Amazon Hays and Whig Keshlaer would have assisted and been on guard just as they were in the Ryan trial. But there was much doubt as to the legality of Liddil's testimony, and it was much talked of throughout the State. Liddil had been placed in the penitentiary before he joined the James Band and his pardon being only issued under the three-

fourths rule it was claimed he was incompetent as a witness Liddil's testimony had been strenuously opposed at Gallatin, but Judge Goodman overruled the objection. While Frank James was in jail at Independence, awaiting trial for the Blue Cut robbery, Judge T. A. Sherwood, of the Missouri Supreme Court, handed down an opinion in the case of State vs. Grant, a negro whom I had convicted for murder in the first degree for killing Patrick Jones, a policeman. In this case, see State vs. Grant, 79 Mo., 113. Judge Sherwood held that one Miller, a witness for the State, who had been convicted of petit larceny, was not competent to testify. The opinion was a very lengthy one, and every lawyer who read it said at once, "That disqualifies Wallace's witness, Dick Liddil," and it did just as specifically as if it had been written in the Frank James case. I asked the Governor to issue a full pardon to Liddil, restoring his competency. The Governor refused. There was nothing left for me to do except to dismiss the case, which I did.

Thus ended the career of the Missouri outlaws. Probably no bandit band in history came to a more ignominious ending. Only Frank James escaped. Tucker Bassham served a term in the penitentiary. Ed Miller, Liddil says, was killed by Jesse James and left lying in the road in Saline County. Clarence Hite was placed in the penitentiary for twenty-five years, pardoned and died shortly afterward with consumption. Bill Ryan was placed in the penitentiary for twenty-five years, served seven years and was pardoned by Governor Morehouse. Wood Hite was killed by Bob Ford and Dick Liddil. Jesse James was killed by Bob and Charlie Ford at St. Joseph, Mo. Dick Liddil gave himself up and became a witness for the State. He afterwards died and was buried at Independence. Charlie Ford, borne down, it was said, with disease and remorse, committed suicide in a weed patch. Bob Ford, a helper, though never a regular member of the band, was killed in a saloon at Creede, Colo.

I desire to give just here the names of the leaders in the pursuit of the James Boys:

CAPTAIN M. M. LANGHORNE, Deputy County Marshal, ex-Confederate.

H. H. CRAIG, Police Commissioner, Southerner, born in Kentucky.

CORNELIUS MURPHY, County Marshal, Southerner, born in Virginia.

COLONEL J. E. PAYNE, ex-Confederate.

W. G. KESHLER, Southerner, had brother killed in Confederate Army.

JAMES GOODWIN, ex-Confederate on staff of General Fitzhugh Lee.

JAMES R. TIMBERLAKE, Sheriff of Clay County, ex-Confederate.

MAJOR E. A. HICKMAN, lost an arm in Confederate Army.

WM. Z. HICKMAN, son of Major E. A. Hickman.

AMAZON HAYS, Deputy County Marshal, brother of Colonel Upton Hays of the Confederate Army.

So many different, and often contradictory, accounts have been written about the terrible disaster of the Jameses and the Youngers at Northfield, Minn., that the account given me by Liddil and obtained by him mainly, he said, from Jesse James, may be interesting. Of course Liddil at that time was not himself a member of the band. His account was as follows: The band was composed of eight men—Jesse James, Frank James, Clell Miller, Bill Chadwell, Cole Younger, Jim Younger, Bob Younger and Sam Wells. Wells is usually referred to in accounts of this robbery as "Charlie Pitts," but his true name was Sam Wells. I was raised in the same neighborhood with him, and knew him well. Liddil says these eight men started on horseback from the home of a well known citizen in the "Six Mile" country in Jackson County, whose name I need not give—he is now dead. Chadwell led them to Northfield, Minn., telling them that it was a new country and that there was a bank at Northfield where much money was kept on deposit. Heywood, the cashier, Liddil says, refused to open the vault of the bank. He crouched behind the counter, when Jesse James reached over and shot him, killing him. This gave the alarm. Some man, with a Winchester rifle, across the street, opened fire on the robbers. Clell Miller and Bill Chadwell were killed in front of the bank. Some of the others were wounded, their comrades carrying them away on their horses. As they departed from the town a Swede named Gustavason ran across the street and was shot and killed by the bandits. The whole country was aroused, and pursued the band. Bob Younger was so badly wounded that he could not travel. Liddil says it was proposed to kill him, and the balance of them make their escape, but Cole Younger would not hear to this. The James boys left by themselves, Cole, his brother, Jim, and Sam Wells staying with Bob. They were surrounded in the woods by their pursuers. A fight ensued. Sam Wells was killed, and Cole and Jim Younger wounded. All three of the Youngers were placed in the Minnesota penitentiary for life. Bob died in the penitentiary from his wounds, Jim and Cole being pardoned at the expiration of twenty-five years. According to Liddil's description, the escape of the

James boys, one of whom was wounded, was beyond question one of the most remarkable feats in all history. They obtained an old wagon and team. The wounded man was placed in it, and they then drove down to Missouri, traveling sometimes in Iowa and sometimes in Nebraska and Missouri and Kansas until they reached the house of a friend, whom I need not mention, a few miles east of Kansas City, Mo. This friend took the wounded man in a wagon to Nashville, Tenn., the well brother going by train. While the Jameses lived at Nashville, as heretofore related, Frank James passed under the alias of "B. J. Woodson" and Jesse James under that of "J. B. Howard." So many different stories have been written about the attempted Northfield robbery that I thought I would give it just as Liddil gave it to me and just as I remember it was published in his confession after he gave himself up.

I have said more than once in this account that just one regular ex-Confederate opposed the State in its fight against the James Boys. This was General Joseph Shelby, a West Pointer, and who, when in thorough control of himself, was one of the most courteous and chivalric men I ever knew. He and I did not speak while the James Boys fight was on, and for some time afterward. Finally one day at a hotel in Lexington, Mo., and when thoroughly at himself, he came up in that accomplished military way of his and said, "Mr. Wallace, will you take my hand?" I replied that I would. He then said, "What apology do you want?" I told him he had never said anything, so far as I knew, against my personal character, and I did not know that any apology was necessary. He then said, "Well, the only apology I desire to make is that every man reserves the right to make a d----n fool of himself now and then." In a few minutes I met him at the Missouri Pacific depot at Lexington. He said he wished I would wait on the platform until he could present "a Wallace man" to me. In a few moments he called me up and introduced me to his wife, Mrs. Shelby, saying she was "a Wallace man" throughout the whole James Boys fight, and adding that "she was right, and her husband wrong." He died my devoted friend. He was a gallant, chivalric man, and I shall always cherish his memory.

I may add just here that the James Boys prosecutions were a good deal hotter than I have pictured them. I carried a pistol in my hip pocket for three years, but I doubt if it would under any circumstances have done any good. I would have been shot probably before I could have used it. When the Frank James trial

began the Judge ordered all parties to disarm themselves, and I presume more than one hundred pistols were laid aside.

In closing this short sketch of the career and overthrow of the Missouri outlaws, I assure the reader that I have made it just as accurate as I possibly could, giving the exact facts. I desire to say that too great credit cannot be given to the Southern men, especially to the ex-Confederates, who felt the stigma of the crimes of the James Boys and who, with their lives in their hands, pursued them until they were destroyed. Not the slightest reflection is intended for Northern men on account of the fact that they did not take part in the overthrow of this outlaw band. Of course it goes without saying that they were intensely opposed to the Missouri outlaws, but they were not acquainted as the Southern men were and could not do anything. As stated before, they seemed to think the Southern men ought to destroy the outlaw band, and the Southern men seemed to think so themselves. As for me, it should make little difference whether I am to receive praise or censure for the humble but arduous part I bore in this strenuous struggle. It is enough for me to know that I was under oath; that I acted out in the open and did nothing of which I am now ashamed. Whatever men say in commendation or otherwise, the plain truth is, the destruction of the Missouri outlaws was the greatest boon that has ever come to the State of Missouri.

I hope the reader of these lines will not think I did nothing but prosecute bandits during my two terms as prosecuting attorney of Jackson County. Kansas City was then growing more rapidly than any other city in the Union, and criminals flocked to her, it seemed, from every part of the Globe. I had but one deputy, and he attended the Justice Courts, and during my second term assisted the Grand Jury. At that time all felony charges had to originate with the Grand Jury, the prosecutor having no right, as now, to file an information for a felony. One year I tried criminal cases personally eleven months out of the twelve without any vacation whatever. I practically gave up pleasure of every kind, and thought only of my work. It was said I sent more men to the penitentiary than were sent from St. Louis, although St. Louis was at that time probably five times as large as Kansas City, but I do not think the St. Louis prosecutors tried very hard. I can conscientiously say I never prosecuted a man if the facts seemed to point to his innocence. I once did the unheard-of thing of dismissing a case for murder when the witnesses were all present and the relatives of the deceased were present also, and

demanding a trial. After talking to the State's witnesses, I was convinced it was a clear case of self-defense, and I would have been a coward to try to cast the responsibility upon the jury. I represented not only the State, but also the defendant, who was practically friendless, and it was my duty to protect him. I always dismissed when there was serious doubt as to the guilt of the defendant.

I sincerely believe I was impartial in my work. I remember the saloon men in Kansas City once came to me, saying that they paid for their licenses and that they thought they were entitled to the liquor business. They said many of the grocerymen of Kansas City were selling beer without license. Without a moment's hesitation I told them I would enforce the law. As I now remember, sixty-five grocerymen were indicted for selling liquor—beer—without license. The indicted grocerymen employed a number of lawyers and said they would try every case, having their lawyers to take turn about and wear me out. I tried every case personally, and my recollection now is that only one man escaped, his case being dismissed for lack of evidence. I cite this instance merely for the purpose of showing that I was not so truant to my oath as to refuse to enforce the law for a saloon man when his case was just, as quickly as I would for anyone else.

While prosecuting attorney I enforced the Sunday law in Kansas City. So far as I know it was the first time this law had been enforced in a large city in Missouri. I had little trouble in enforcing it. The force of the criminal court was very small. What was needed was the co-operation of the police department. I went to Chief Speers, a splendid officer, and asked him to require his men to co-operate with the criminal court in enforcing the Sunday law. He said he would be glad to do so, but did not feel like he ought to without an order from the police commissioners. I asked Hon. H. H. Craig—at that time one of the police commissioners—to get the order for me. In a few days he stated that he had made the motion for the order, but the other two commissioners had voted against him. I suggested that he do like General Bingham told me once he did when he was commissioner, in enforcing the law against gamblers, that is, to introduce his resolution and then call the newspaper men in and ask for an "aye" and "nay" vote upon his resolution. A few days afterwards H. H. Craig notified me that he had called up his resolution and asked for an open vote on it while the newspaper reporters were present. One of the commissioners weakened

and voted with him, and I obtained my order. With the co-operation of the police force, it was little trouble to enforce the law. One saloon keeper held out, but a large number of indictments were returned against him, and his place was closed, completing the closing of every saloon in Kansas City. Other places where unnecessary work was being done were also closed. If I could have obtained an order like the one H. H. Craig obtained for me while I was on the criminal bench, a tremendous amount of work would have been saved in the enforcement of the Sunday law, but the then police commissioners, though often requested to do so, failed to make the order.

I desire to add that it was while I was prosecuting attorney that what is known as the "Johnson law"—making gambling a felony—came into force. A committee of gamblers, just before the law became operative, visited me, wanting to know what I would do—enforce it or leave it as a dead letter. I told them I would certainly enforce the law. The gamblers left Kansas City, most of them going to Kansas City, Kansas, and were still out of Kansas City when my term expired.

During the last year of my term as prosecuting attorney I was a candidate for the Democratic nomination for Congress. The district was then composed of Jackson, Johnson and Lafayette Counties. Jackson County controlled the nomination by quite a majority. I carried Jackson County overwhelmingly, every ward and every precinct in Kansas City voting for me. But a convention was held in connection with the primary. The chairman of the Congressional committee was a distiller. At the convention he either kept the chair himself or sat by the man whom he had appointed as temporary chairman. The delegates were instructed for me, and under the rules laid down I was bound to receive the nomination on the second ballot, but the distiller, acting by himself, or through his chairman, persistently refused to permit the credentials of the regular delegates to be filed or received. After a long wrangle, the convention broke up, part of the convention nominating me and part nominating Hon. Alexander Graves of Lexington, Mo. In the scramble that ensued, I withdrew from the race, and in the general election voted for Mr. Graves.

CHAPTER IX.

MY LIFE IN THE COURTS AS A LAWYER.

JDESIRE to write a few words with reference to my life as an advocate at the Bar. This constitutes the great bulk of my work, but I shall occupy only a small space in giving an account of it. At the outset of this autobiography I stated that the enemies of the law in Missouri had misrepresented me. As five years ago I practically gave up the law and went into good government work, these men are now endeavoring to misrepresent me by saying that I am an "agitator," or, as they contemptuously put it, a "reformer" rather than a lawyer. This being so, I trust I will be permitted to write a short account of my work as a lawyer and give some of the important cases with which I have been connected.

When I withdrew from the Congressional race, as above stated, Mr. Wm. Chrisman of Independence, Mo., a noted lawyer, and a life-long friend of my father's, advised me to quit politics and devote my energies to my profession. He said that when I should approach middle life I might ask my fellow citizens to bestow upon me some honor. I took his advice, and for eighteen years devoted myself intensely to my profession. I was not a candidate directly or indirectly for any position whatever, although, at the earnest solicitation of party leaders, I was on the stump for the Democratic party in practically every campaign—city, county, State and national. I asked no man I had helped for anything, from mayor to president. I declined every suggestion to be an applicant for any position, elective or appointive. In all campaigns, with the exception of three pittances, handed me unasked, for expenses, I paid my own way. I helped scores of men to office.

I have succeeded in my profession far beyond my merits. A large part of my work has been that of an advocate or a jury lawyer, although I have argued a great many cases before trial and Appellate judges. I beg leave to quit my account of this part of my life by simply naming some of the important cases with which I have been connected. I shall endeavor to omit none of the important cases which I have lost. A good many that I have been fortunate enough to win I shall not mention. The cases to which I shall refer are as follows:

STATE vs. WM. RYAN, one of the James Boys. Robbery. For the State Col. Jno. N. Southern, Wm. Wallace. For the defense, R. L. Yeager, B. L. Woodson, B. J. Franklin. Defendant given 25 years in the Penitentiary.

STATE vs. FRANK JAMES. Murder, first degree. The names of attorneys on both sides have been heretofore given. Case lost.

STATE vs. HENRY CATHAY. Murder, first degree. For the State, John L. Peak, Prosecuting Attorney, and Senator Wm. Warner. For the defense, Hon. Abram Comingo, Judge Slover and myself. Defendant acquitted.

STATE vs. MATTIE COLLINS. Murder, first degree. For the State, Jno. L. Peak, Pros. Atty. For the defense, Senator Wm. Warner, John W. Beebe and myself. Defendant acquitted.

STATE vs. DR. McAFFEE. Murder, first degree. For the State, Jno. L. Peak, Pros. Atty. For the defense, Senator Wm. Warner and myself. Defendant acquitted.

STATE vs. CLAY CRENshaw. Murder, first degree. For the State, Wm. H. Wallace, Pros. Atty, and J. W. Dunlap. For the defense, Senator Wm. Warner, Judge Jno. W. Wofford. Defendant acquitted.

STATE vs. EDWARD ADAMS. Murder, first degree; Cass County. For the State, Col. Lawder, Pros. Atty., and Wm. H. Wallace. For the defense, Hon. A. Comingo, Senator Wm. Warner and others. Defendant convicted of murder in second degree. Pardoned by the governor.

STATE vs. COL. SMITH. Murder, first degree. For the State, Maj. B. L. Wilson, Pros. Atty. For the defense, Wm. H. Wallace. Defendant acquitted.

STATE vs. LAMARTINE HUDSPETH. Murder, first degree. For the State, F. M. Lowe, Senator J. A. Reed, Prosecuting Attorneys. For the defense, J. N. Southern, B. L. Woodson, Arthur Adams and Wm. H. Wallace. Two reversals by Missouri Supreme Court. See State vs. Hudspeth, 150 Mo., 12, and case finally dismissed by State.

STATE vs. SAM'L. C. SCHAEFER. Obtaining money by false pretenses from John I. Blair, the New Jersey millionaire. For the State, Maj. B. L. Woodson, Captain B. J. Franklin, Wm. H. Wallace. For the defense, Senator Geo. G. Vest, Senator Wm. Warner, Jno. W. Wofford and others. Defendant given eight years in the penitentiary. Case reversed and pending trial on another indictment, defendant became a fugitive from justice, going, it was said, to South America.

STATE vs. FRANK SEIGEL. Charged with obtaining a large amount of money from Frank Rockefeller, brother of John D. Rockefeller. For the State, Herbert S. Hadley and Roland Hughes, Prosecuting Attorneys. For the defense, Wm. H. Wallace. Defendant acquitted.

UNITED STATES vs. REIGER. Misappropriating bank funds. Tried before Judge Elmer B. Adams. For the Government, U. S. District Attorney Walker and Wm. H. Wallace, appointed special assistant by the attorney general at Washington City. For the defense, Frank Hagerman, W. S. Cowherd. Defendant convicted. See U. S. Circuit Court of Appeals Reports, Reiger vs. United States, 107 Fed. Rep., 916. Defendant pardoned by President Roosevelt.

FURNISH vs. RAILWAY. For damages sustained as a passenger. For the plaintiff; E. P. Gates, T. B. Wallace and Wm. H. Wallace. For the defense: Robert Adams, and H. S. Priest. Case won. See Furnish vs. Missouri Pacific Railway, 102 Mo., 438.

BAKER vs. RAILWAY. Damages for injury at railway crossing. For the plaintiff, E. P. Gates, C. C. Dickinson and T. B. and Wm. H. Wallace. For the defense, Jas. B. Gantt, I. P. Dana and Peyton Parks. Case won. See *Baker vs. Railway*, 122 Mo., 533.

WOOD vs. METROPOLITAN STREET RAILWAY. Damages for injury from falling platform. For plaintiff, T. B. and Wm. H. Wallace. For defendant, Frank P. Walsh and R. T. Ralley. Case won.

STATE vs. GRANT. Murder, first degree, in killing Patrick Jones, a policeman, at Kansas City. For the State, Wm. H. Wallace, Prosecuting Attorney. For the defense, Judge R. H. Field. Defendant convicted of murder in first degree. Case reversed and remanded. Defendant afterward given term in penitentiary.

TURNER vs. ANDERSON. Contest to set aside will. For contestant, T. B. and Wm. H. Wallace. For the will, J. G. Paxton, Senator Jas. A. Reed. Verdict for contestant, Turner, by two juries. Case now pending in Supreme Court.

JOHN CAMPBELL et al. vs. CITY OF KANSAS CITY. Ejectment for block of ground just south of County Court House in Kansas City. For the plaintiffs, Judge E. L. Scarritt, Judge E. P. Gates, Mr. Levy and Wm. H. Wallace. For the defense, W. D. Ward, Daniel Twitchell, C. O. Tichenor. Verdict and judgment for plaintiffs.

STATE vs. AIKINS and BONE. For obtaining money by false pretenses from Morris & Co., packers. Known as the "Calf Case." For the State, Floyd Jacobs, Prosecuting Attorney, Hon. I. B. Kimbrell, Gen. L. C. Boyle. For the defendants, Senator Cooper, Senator Casey, T. B. and Wm. H. Wallace. Defendant Bone acquitted. Defendant Aikins convicted and given two years in the penitentiary. Motion for a new trial for Aikins is now pending in Judge Porterfield's court.

The above list constitutes about all I care to say about my life as a lawyer. I do not believe I have omitted any important case which I lost, and I have omitted a large number I was fortunate enough to win. I believe this list will at least assist in refuting the charge of the lawless classes that I am a "reformer," as they say contemptuously, rather than a lawyer, the truth being that up to five years ago I practically lived in the courts. I believe I have tried as many cases before juries as any lawyer in the West, and, as already stated, have succeeded far beyond my merits.

I wish to add that if a motion for a new trial is overruled in the Aikins case, above referred to, and the Supreme Court affirms the conviction on appeal, Messrs. Jacobs, Kimbrell, and Boyle will "have the laugh on me," for after more than twenty-five years' practice in the criminal court at Kansas City, Aikins will be my first client placed in the penitentiary, and I have never had a client hung whom I defended. The only clients I have ever had in the penitentiary were two men from Cass County, convicted

of arson. I feel like apologizing for giving the above list. I could run it up into the hundreds, for I have been as lucky before juries as I have been unlucky in politics in resisting the steam-roller of the Missouri bosses. I am publishing the list with great reluctance, and only in the exercise of the right of self-defense. What I shall have to look back to when old age comes, and mainly what I shall leave to my children when I am gone, is my life as a lawyer, and I believe that by simply reciting the facts I have a right to protect what reputation I have from depreciation or calumny.

As a politician, I ought to say candidly that of recent years I have not succeeded so well. For eighteen years, without asking the least favor, I helped scores of men to office, but when I finally asked something myself, to my astonishment, I found the politicians whom I had helped to office were almost solidly against me. Possibly the following is the explanation: The leaders who controlled usually the nominations in my party were in a caucus, selecting men to run for State offices. One gentleman suggested me as a candidate for governor. Another gentleman, who had held a high State office, said that he was my special friend, and that I had served the Party for years, but this would never do. When asked why, he said, "We could not handle Wallace." Besides this, I ought to be fair enough with these gentlemen to say that I had enforced laws which they did not wish enforced. While on the subject I had better state frankly some other experience I have had as an applicant for office. A few years ago at a primary in Jackson County I received the Democratic nomination for Congress by a vote of five to one over my opponent, but I went down in a Republican landslide, one Democrat on the ticket being beaten 6,500 votes. I was afterwards a candidate for the Democratic nomination for governor. I was then on the criminal bench and engaged in strenuous work, among other things, for the enforcement of the Sunday law. This kept me from taking the stump throughout the State, as I expected to do, and my friends only organized two weeks before the primary, giving me practically only that time on the stump. I received in round numbers 47,000 votes. Politicians said that if I had had two more weeks I would have been nominated. But there is no use making excuses. The fact is, I was beaten.

In this connection I beg to give some of the kind indorsements distinguished men have been kind enough to give me. Some years ago I sent a large number of indorsements to Governor

Folk, who appointed me to the Criminal Judgeship at Kansas City. Among them were the following:

Mr. Wallace has appeared before me in one of the most important trials that I ever conducted. His conduct in that trial was admirable, and exhibited great industry, research and ability. ELMER B. ADAMS,

(Now one of the Judges of the U. S. Circuit Court of Appeals.)

He is a lawyer of marked ability and learning, with a character above reproach, and an integrity beyond improper approach.

JOHN F. PHILIPS,

(For many years U. S. District Judge).

From the time he broke up the James gang of train robbers, while Prosecuting Attorney of Jackson County, he has been recognized as one of our best lawyers and most fearless citizens. J. W. ALEXANDER,

(Now Member of Congress.).

I wish to testify to his profound knowledge of the law, his incorruptible integrity and his even, judicial temperament. RICHARD FIELD,

(of Lexington, Mo., and for some years a Circuit Judge).

Known to be one of the very best lawyers in the State. Mr. Wallace, from a political standpoint, has always been an active worker for his party, and has contributed as much for its success, in my opinion, as any man in the State. G. D. BURNESS,

(Judge, Missouri Supreme Court).

During this generation I have heard many of the famous and able lawyers of our land, but I have heard none I consider Mr. Wallace's equal before a jury. EDWARD P. GATES,

(For many years Circuit Judge at Kansas City).

CHAPTER X.

MY TERM AS JUDGE OF THE CRIMINAL COURT AT KANSAS CITY.

(J) N APRIL 3rd, 1907, I assumed the duties of Judge of the Criminal Court at Kansas City, having been appointed by Governor Folk. Judge Wofford, my predecessor, had been sick a long time prior to his death, and the docket was crowded with untried cases. I worked day and night in catching up. On all sides the very kindest things were said about me. As soon as the more than 200 felony cases left me had been disposed of, I announced that I would enforce all laws found on the statute books, including liquor laws and Sunday laws. Except to a partial closing of saloons on Sunday, the liquor laws were being fearfully evaded in Kansas City. Our Sunday laws were as completely trodden under foot as if Christianity had never been heard of.

Kansas City was "wide open" on Sunday. My enforcement of these liquor and Sabbath laws brought on, in the opinion of old residents, the longest and intensest struggle in the history of our city. A portion of the metropolitan press from the Atlantic to the Pacific abounded in abuse of me for fourteen months. Mobs denounced me in the streets. The Police Commissioners were with them, and they were unmolested. Meetings were held called by political bosses and Sunday desecrators in which I was abused by demagogues who were cheered to the echo. I received not only from Kansas City, but from Patterson, New Jersey, the honor of the Anarchists, and from all the large cities in the Union letters couched in the most vulgar and blasphemous language and threatening death by pistol and dagger and bomb. Some of the writers hoped to see the day when I would be burned at the stake. Even my unoffending wife and children were sent letters threatening death by bomb and fagot. These were about the only threats that bothered me.

But for fourteen continuous months, and until I left the bench, the law was enforced. A full account of this intense struggle, together with a full citation of the statutes and decisions bearing on this question will be found in the article entitled "The Sabbath," found in this book, and which I ask to file herewith as we lawyers put it, calling it "Exhibit B."

At the close of my term I wrote out an account of my stewardship, which the newspapers published in part, and which I herewith print. It is about the shortest way of disposing of this most intense period in my life. The account follows:

I have been so persistently misrepresented not only in Missouri, but elsewhere, that in retiring from the judgeship I desire to give a brief account of my stewardship. Having sworn to enforce all laws, I have not discriminated between statutes. I have kept my oath. Practically deserting my own personal affairs, I have labored day and night in the performance of my official duties. I have held the position at a financial sacrifice far exceeding its salary.

When I assumed the duties of the office on April 3rd, 1907, there were more than two hundred felony cases and about three times as many misdemeanor cases on the docket. By the middle of the following July the docket was cleared, and I have kept up with it until the present time. More men have been sent to the penitentiary during my administration than during any similar period in the court's history. This has come about largely

from the fact that I have enjoyed perfect health and have been able to try cases while they were fresh. All defendants have been given a fair trial, and with possibly two exceptions, where there seemed to be no end to the talkative powers of attorneys, I have allowed lawyers all the time they asked. I have treated all attorneys with absolute fairness and impartiality and I am told that I have not a single enemy among all those who have practiced in my court.

I have paid a great deal of attention to our parole system, and I sincerely believe I have brought it to its highest degree of efficiency. If I have erred at all, it has been on the side of clemency. I have paroled probably twice as many persons as during any similar period in the court's history. I have endeavored to systematize the parole practice by requiring all parties to be heard in open court on written application, and causing to be kept a list of those paroled and requiring them to report regularly, giving account of themselves and convincing the court that they had not broken the law in any respect, had kept sober and had been at work. It is sincerely believed that in this way, taken in connection with the best admonition that I could give, I have reformed more than a hundred lives, with all that means to wives and children and mothers. Probably half a dozen have broken their paroles and have been sent to the penitentiary or remanded to jail. Attention is called to my work in this behalf because no mention has ever been made of it in the public press, and because humane citizens interested in the practical results of the parole system might be anxious to know about it.

Shortly after coming to the bench, I instituted rigorous measures to break up the pernicious habit of carrying concealed weapons, to which so many murders can be traced. Offenders were placed in jail instead of fining them as theretofore had been done, even during the time when I was prosecuting attorney myself. The decrease in the habit astonished me, and doubtless many lives have been spared. As I remember, it is now several months since a defendant has been arraigned in my court charged with carrying concealed deadly weapons.

I have watched with all the alertness of which I am capable to see if I could discover any jury bribing during my administration. It is verily believed that jury fixers as well as all those "with a pull" have steered pretty clear of this court. In just one instance I believed, although I could not prove it, that a juror who hung a jury had been bought, and in this instance the case was

set down for trial again in less than two weeks and the defendant plead guilty and was sentenced to twelve years in the penitentiary.

Special and constant attention has been given by this court to the enforcement of our liquor laws. Something over a year ago citizens from various parts of Jackson County and from resident wards in Kansas City came to me stating that it was practically impossible to convict men of selling liquor illicitly in a justice court owing to the class of jurors summoned and asking that my court undertake the task of enforcing the law, my predecessor having universally said that he had no time for this class of cases. Overwhelmed with work as I was, I undertook the task, instructing the grand jury that I had learned while prosecuting attorney that the way to break up the illicit sale of liquor in drug stores and "blind tigers" was to indict offenders as many times as they could find evidence to warrant and leave the rest to me. As a rule they returned twenty indictments against each violator—in some instances many more. They were fined two hundred dollars—one hundred dollars in each of two cases and the remaining eighteen cases continued generally, the defendants being assured that if they sold another drop of liquor illicitly these eighteen cases would be revived together with as many new cases as the grand jury might present. In this way the illicit sale of liquor in Jackson County and in resident wards in Kansas City has been practically broken up. During the fight one defendant who had defied the law for years was indicted thirty-nine times. He remained in jail six weeks, then paid a fine of three hundred dollars and sold out his place of business. Another defendant is now under one hundred and thirty indictments, returned at one time, not counting indictments theretofore returned. He is a fugitive from justice and is being guarded by his bondsmen, I am told, in Kansas. I do not believe there is a local option county in Missouri where the illicit sale of liquor is more infrequent than in the resident wards of Kansas City and in eastern Jackson County. When the local option fight was in progress in eastern Jackson County, a short time since, it was argued that the Criminal Court had already brought about local option outside of Independence.

In this connection attention is called to the destruction of what were known as social clubs. These clubs contained, it was estimated, over ten thousand members. They acted under a pretended charter, by means of which they sold liquor without li-

cense. They were veritable hatcheries of crime, from murder to petit larceny. The grand jury indicted these clubs, and after a somewhat protracted fight, they were with only two exceptions, where changes of venue were taken from my court, absolutely destroyed. They were required to bring their charter into court for the purpose of cancellation.

For more than fourteen months I have been engaged in the enforcement of what are known as our Sunday laws. After all of the criticism and abuse to which I have been subjected I have a right to say that this court has achieved a signal victory in the enforcement of these laws. More than fifty thousand people now rest on Sunday who were at work when the original charge on this branch of the law was given to the grand jury, September 30th, 1907. It is the opinion of the grand jury just discharged and of the officers of the law and others who have made special investigation that these laws were better observed on last Sunday than on any Sunday during the past fourteen months. Out of about five hundred barber shops only one was reported open. Out of eight hundred grocery stores, it is of the opinion of the grand jury and others who made special investigation that not more than twelve were open contrary to law, and these were small places overlooked by the officers. Every large pool hall in the city was closed. With rare exceptions other places of business not permitted by law to be open on Sunday were closed. Such a Sabbath is not only a joy to the Christian but an inestimable boon to the working man regardless of his religious beliefs. The theatrical managers of our city who steadfastly contended for more than a year that all they wanted was a test case for our Supreme Court have come in within the past ten days and paid fines in cases where they or their employes had been convicted, thus specifically confessing their guilt and admitting that I was right. The expenditure of but a few dollars would have taken their cases to the Supreme Court, the very tribunal they have sought to avoid from the outset. Eighteen suits have been brought against me in an effort to prevent the enforcement of the law. In every instance in my whole contest for the enforcement of our Sunday laws except one involving a mere matter of practice, I have been upheld by other courts. The statements so often made that these laws were being enforced with intolerance is absolutely untrue. They have been enforced with due regard to our advanced modern civilization. There has been no time when a legitimate desire of mind or body could not be gratified in Kansas City on

Sunday. No necessity of any kind has been denied and no necessary work has been forbidden.

The report sent broadcast over the land from ocean to ocean that these cases were heaping up great costs upon our taxpayers is absolutely false. All of the officers of the court are on a salary, and would have received precisely the same pay if no Sunday prosecutions had ever been commenced. Practically every witness ever used has been an officer, and under our law not entitled to pay. The cost of printing indictments not exceeding I should say thirty dollars is all that can be legitimately charged up to Sunday closing prosecutions. Aside from collecting quite a large amount of fines already paid and to be paid from indictments returned by the grand jury it should be noted that the grand jury has far more than paid its way in work done totally aside from Sunday closing cases. They have returned many indictments for felonies of all kinds and they did splendid work with reference to the election held in this city last spring as well as the election held on November the third. A number of men have been sent to the penitentiary for election frauds on indictments returned by the grand jury who never would have been punished had there been no grand jury because the prosecutor could not have obtained the evidence.

I have thought it was due the public as well as just to one who has conscientiously endeavored to perform his duty that this statement should be made. I believe that no complaint is made as to my enforcement of our laws relating to felonies, such as murder, robbery, larceny and the like, and as to our liquor and Sunday laws, if it shall be asserted in the future that they cannot be enforced, I believe the history of the past fourteen months in Kansas City and Jackson County will emphatically deny the assertion.

It should be further stated that recently under instructions from the court to investigate bawdy houses, the grand jury has inaugurated a magnificent reform, intended to suppress the open and shameless perpetration of this awful crime in our city. They have gone to the foundation of the evil, returning about 175 indictments against bawdy house keepers and about 80 against persons renting them houses for their nefarious business. Freedom and morality go together, and it is admitted by every pure woman and decent patriotic man that this grand jury is a pioneer in the solution of one of the greatest moral problems of our times. It has met with magnificent success and already a large number of

bawdy houses have been closed. The kind of evidence admissible under our decisions is such that practically all of these offenders where guilty can be convicted. If this grand jury could have had until January 1st in this noble work, I believe they could have closed two-thirds of the bawdy houses in Kansas City.

CHAPTER XI.

CONCLUSION.

MY RECITAL of the facts of an humble career, full of intense work, is about ended. It is believed that nine-tenths of what I have written in this sketch of my life has related to my work as a sworn officer of the law, hence I hope it will be considered as a public rather than a private matter. I beg to be perimtted to make just a few statements in conclusion of a personal character.

On June 14, 1887, I was married to Miss Elizabeth G. Chiles, daughter of Mr. C. C. Chiles, a prominent business man of Independence, Mo. We have two children, William H. Wallace, Jr., and Mary Chiles Wallace. They are grown, are unmarried and are living with their parents in Kansas City. I doubt if there is a happier home than ours, and for this the principal credit is due to my wife and children.

I desire to say that nothing that occurred during the Civil War, not even what was done under "Order No. 11," has left a particle of rancor in my heart for any human being.. If I ever entertained any prejudice against anyone on account of the war, I outgrew it years ago. When the people of Kansas began in their courageous way to fight the Trust sometime since I cheered them as heartily as anyone. They have made from the State District Court to the Supreme Court of the United States the best temperance fight ever made by any State in the Union, and they have received no warmer eulogies than from my paper, The Citizen. Northern men must not think that I meant to ignore or disparage them in my sketch of the career and overthrow of the James Boys. Southern men were in a better position than Northern men to overthrow outlawry in Missouri, and it was their duty to do so. I frankly state that one of my purposes in publishing my sketch of the James Boys was to show, and I have shown by overwhelming testimony, that Southern men—my own "kith and kin"—and especially ex-Confederates, were not sym-

pathizers with pillage, robbery and murder, and I have proven this by giving the facts just as they were.

I wish to add upon my honor as a man that no one of my four intense fights—neither the fight against outlawry; nor the fight for the maintenance of the Sabbath; nor the fight against the saloon; nor the fight against the Single Tax—has left in my breast the slightest feeling of bitterness for any human being, living or dead.

As my good government work, especially that devoted to temperance and against the Single Tax, has been most terribly misrepresented by the friends of the saloon and the advocates of the Single Tax propaganda, I propose now to make a plain statement, giving the exact truth. Five years ago, because, I suppose, my sympathies ran that way, I was invited to attend a meeting of a State-wide temperance organization at Sedalia, Mo. I was practicing law at that time, and did not belong to any temperance organization. After persuasion and entreaty, which ran through two days, I was induced to give up my law practice and take up temperance work in Missouri. I practically abandoned my practice as a lawyer.

They fixed my salary themselves, which was less than one-third of what I could have made as a lawyer. For about one year it was paid. I campaigned the entire State for over twelve months, making trains night and day, and undergoing as much fatigue and hardships as was ever undergone by any campaigner for any cause. After the fight against the saloon in 1910 was ended, it was desired that I should go ahead with the work, and my salary was placed at \$3,000 a year. I have never received a cent of this salary during these other four years. It now amounts to \$12,000. I never expect to receive a cent of it, and hereby donate the intense work which it represents to the cause of good government and against the saloon and the Single Tax in Missouri. I never worked harder in my life than during these four years, and have made practically nothing at the law. I have made some collections from audiences in my temperance and anti-Single Tax work, but they have fallen far short of paying my expenses. My labors on the stump against the Single Tax in 1912 were the most strenuous of my life.

In addition to the above, I have for over four years conducted The Citizen, a good government paper, which has constantly run behind. It is over \$3,000 behind now, and I am to sustain the whole loss. Besides the usual labor in conducting a

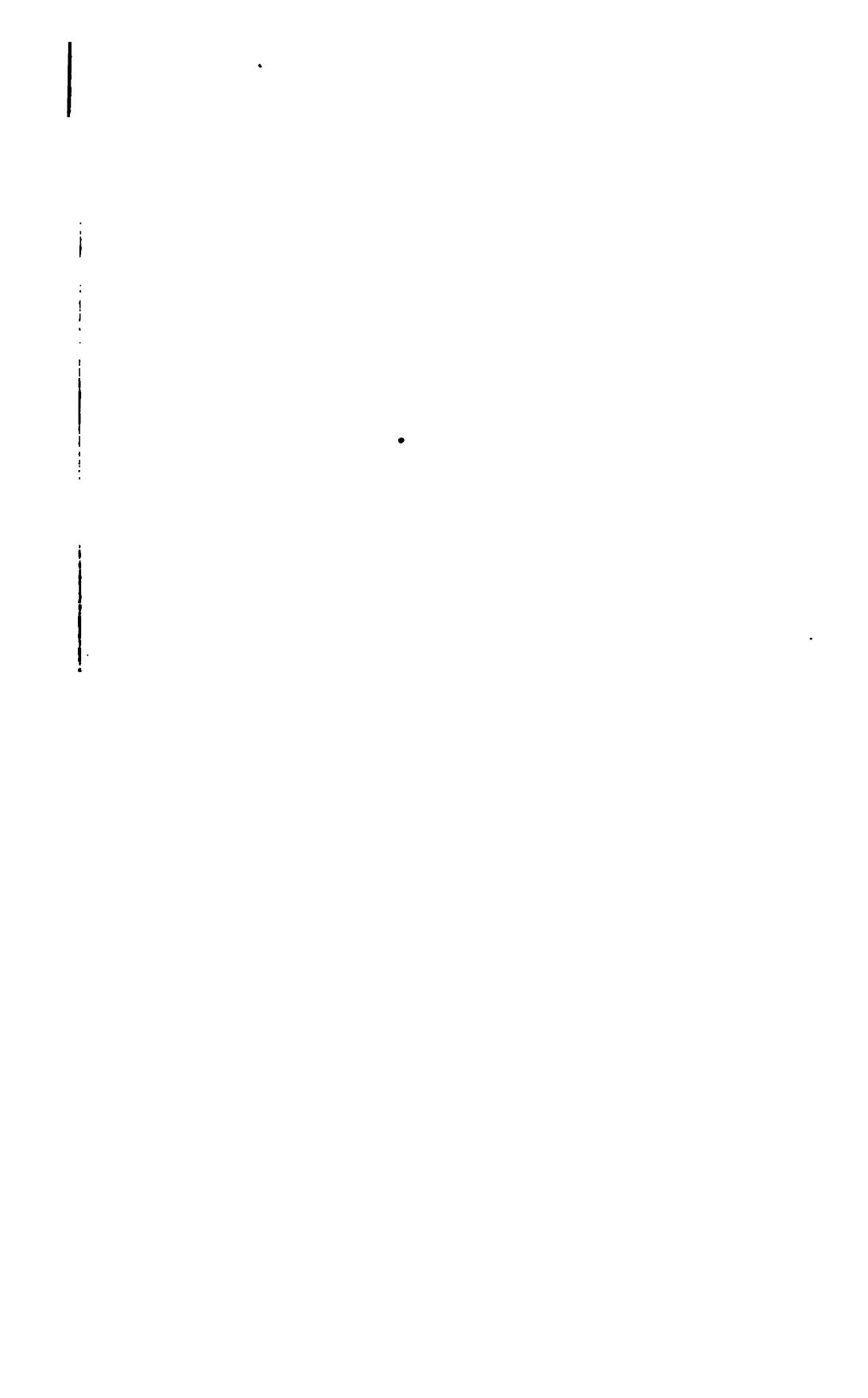
paper, I have worked many a night until far beyond midnight in an endeavor to write correct and helpful editorials, but I have never received a farthing for all my work on the paper. Under the circumstances I have been compelled to borrow a large amount of money, and I am now deeply in debt—far more deeply than I ever imagined I would be. I frankly confess that, while I hope this book will do some good, I also hope it will be received sufficiently kindly by the friends of good government to enable me to get back a part of the money I have spent, and am now spending, for temperance, and against the Single Tax. I am not speaking now of the \$12,000 in salary, which I never expect to get; I am referring to the money which I have borrowed and put into my good government work, and which I now owe. I honestly believe that this money has been as much spent for the benefit of those who are opposed to the saloon, who desire honest elections, and who wish to guard their homes against the Single Tax, as for my own benefit. If my arguments in this book against the saloon, against the Single Tax propaganda and for the maintenance of the Christian Sabbath are sound, and I believe they are, then there is certainly no method by which I can do as much good in my humble way as to have this book go into the hands of citizens of Missouri, hoping that they will read it themselves and then ask others to read it. In this way law-abiding people can kindly help me bear a burden which I think is greater than any one man ought to be asked to bear, and which I think I am not able, in justice to others, to bear.

As to my political career I beg to be permitted to say that no man in Missouri has exceeded me in the amount of work I have done for my party. No speaker, living or dead, has made more speeches or undergone more fatigue and hardship in campaigns for the Democratic party and for other men than I. The State Democracy has called on me for over thirty years to assist in campaigns, but has never recognized me in the slightest way, but I entertain animosity toward no one.

I desire to close this imperfect account of my humble, strenuous career up to date by saying that I am not satisfied with my life so far. Honest men tell me I have done good, but I sincerely regret that I have not done more. I earnestly hope a kind Providence will permit me to live a good many years yet and that I may so "redeem the time," as my intrepid father used to love to say, that when I come to lay down life's burden I may hear the plaudit, "well done, good and faithful servant."











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